

Union Calendar No. 39

109TH CONGRESS
1ST SESSION

H. R. 2361

[Report No. 109–80]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2005

Mr. TAYLOR, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior, environment, and related

1 agencies for the fiscal year ending September 30, 2006,
2 and for other purposes, namely:

3 TITLE I—DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 MANAGEMENT OF LANDS AND RESOURCES

6 For necessary expenses for protection, use, improve-
7 ment, development, disposal, cadastral surveying, classi-
8 fication, acquisition of easements and other interests in
9 lands, and performance of other functions, including main-
10 tenance of facilities, as authorized by law, in the manage-
11 ment of lands and their resources under the jurisdiction
12 of the Bureau of Land Management, including the general
13 administration of the Bureau, and assessment of mineral
14 potential of public lands pursuant to Public Law 96–487
15 (16 U.S.C. 3150(a)), \$845,783,000, to remain available
16 until expended, of which \$1,000,000 is for high priority
17 projects, to be carried out by the Youth Conservation
18 Corps; and of which \$3,000,000 shall be available in fiscal
19 year 2006 subject to a match by at least an equal amount
20 by the National Fish and Wildlife Foundation for cost-
21 shared projects supporting conservation of Bureau lands;
22 and such funds shall be advanced to the Foundation as
23 a lump sum grant without regard to when expenses are
24 incurred.

1 In addition, \$32,696,000 is for Mining Law Adminis-
2 tration program operations, including the cost of admin-
3 istering the mining claim fee program; to remain available
4 until expended, to be reduced by amounts collected by the
5 Bureau and credited to this appropriation from annual
6 mining claim fees so as to result in a final appropriation
7 estimated at not more than \$845,783,000, and
8 \$2,000,000, to remain available until expended, from com-
9 munication site rental fees established by the Bureau for
10 the cost of administering communication site activities.

11 WILDLAND FIRE MANAGEMENT

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for fire preparedness, sup-
14 pression operations, fire science and research, emergency
15 rehabilitation, hazardous fuels reduction, and rural fire as-
16 sistance by the Department of the Interior, \$761,564,000,
17 to remain available until expended, of which not to exceed
18 \$7,849,000 shall be for the renovation or construction of
19 fire facilities: *Provided*, That such funds are also available
20 for repayment of advances to other appropriation accounts
21 from which funds were previously transferred for such
22 purposes: *Provided further*, That persons hired pursuant
23 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
24 ing without cost from funds available from this appropria-
25 tion: *Provided further*, That notwithstanding 42 U.S.C.
26 1856d, sums received by a bureau or office of the Depart-

1 ment of the Interior for fire protection rendered pursuant
2 to 42 U.S.C. 1856 et seq., protection of United States
3 property, may be credited to the appropriation from which
4 funds were expended to provide that protection, and are
5 available without fiscal year limitation: *Provided further*,
6 That using the amounts designated under this title of this
7 Act, the Secretary of the Interior may enter into procure-
8 ment contracts, grants, or cooperative agreements, for
9 hazardous fuels reduction activities, and for training and
10 monitoring associated with such hazardous fuels reduction
11 activities, on Federal land, or on adjacent non-Federal
12 land for activities that benefit resources on Federal land:
13 *Provided further*, That the costs of implementing any co-
14 operative agreement between the Federal Government and
15 any non-Federal entity may be shared, as mutually agreed
16 on by the affected parties: *Provided further*, That notwith-
17 standing requirements of the Competition in Contracting
18 Act, the Secretary, for purposes of hazardous fuels reduc-
19 tion activities, may obtain maximum practicable competi-
20 tion among: (1) local private, nonprofit, or cooperative en-
21 tities; (2) Youth Conservation Corps crews or related part-
22 nerships with State, local, or non-profit youth groups; (3)
23 small or micro-businesses; or (4) other entities that will
24 hire or train locally a significant percentage, defined as
25 50 percent or more, of the project workforce to complete

1 such contracts: *Provided further*, That in implementing
2 this section, the Secretary shall develop written guidance
3 to field units to ensure accountability and consistent appli-
4 cation of the authorities provided herein: *Provided further*,
5 That funds appropriated under this head may be used to
6 reimburse the United States Fish and Wildlife Service and
7 the National Marine Fisheries Service for the costs of car-
8 rying out their responsibilities under the Endangered Spe-
9 cies Act of 1973 (16 U.S.C. 1531 et seq.) to consult and
10 conference, as required by section 7 of such Act, in con-
11 nection with wildland fire management activities: *Provided*
12 *further*, That the Secretary of the Interior may use
13 wildland fire appropriations to enter into non-competitive
14 sole source leases of real property with local governments,
15 at or below fair market value, to construct capitalized im-
16 provements for fire facilities on such leased properties, in-
17 cluding but not limited to fire guard stations, retardant
18 stations, and other initial attack and fire support facilities,
19 and to make advance payments for any such lease or for
20 construction activity associated with the lease: *Provided*
21 *further*, That the Secretary of the Interior and the Sec-
22 retary of Agriculture may authorize the transfer of funds
23 appropriated for wildland fire management, in an aggre-
24 gate amount not to exceed \$9,000,000, between the De-
25 partments when such transfers would facilitate and expe-

1 dite jointly funded wildland fire management programs
2 and projects: *Provided further*, That funds provided for
3 wildfire suppression shall be available for support of Fed-
4 eral emergency response actions.

5 CONSTRUCTION

6 For construction of buildings, recreation facilities,
7 roads, trails, and appurtenant facilities, \$11,476,000, to
8 remain available until expended.

9 LAND ACQUISITION

10 For expenses necessary to carry out sections 205,
11 206, and 318(d) of Public Law 94–579, including admin-
12 istrative expenses and acquisition of lands or waters, or
13 interests therein, \$3,817,000, to be derived from the Land
14 and Water Conservation Fund and to remain available
15 until expended.

16 OREGON AND CALIFORNIA GRANT LANDS

17 For expenses necessary for management, protection,
18 and development of resources and for construction, oper-
19 ation, and maintenance of access roads, reforestation, and
20 other improvements on the revested Oregon and California
21 Railroad grant lands, on other Federal lands in the Or-
22 egon and California land-grant counties of Oregon, and
23 on adjacent rights-of-way; and acquisition of lands or in-
24 terests therein, including existing connecting roads on or
25 adjacent to such grant lands; \$110,070,000, to remain
26 available until expended: *Provided*, That 25 percent of the

1 aggregate of all receipts during the current fiscal year
2 from the revested Oregon and California Railroad grant
3 lands is hereby made a charge against the Oregon and
4 California land-grant fund and shall be transferred to the
5 General Fund in the Treasury in accordance with the sec-
6 ond paragraph of subsection (b) of title II of the Act of
7 August 28, 1937 (50 Stat. 876).

8 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
9 (REVOLVING FUND, SPECIAL ACCOUNT)

10 In addition to the purposes authorized in Public Law
11 102–381, funds made available in the Forest Ecosystem
12 Health and Recovery Fund can be used for the purpose
13 of planning, preparing, implementing and monitoring sal-
14 vage timber sales and forest ecosystem health and recovery
15 activities, such as release from competing vegetation and
16 density control treatments. The Federal share of receipts
17 (defined as the portion of salvage timber receipts not paid
18 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
19 1181f–1 et seq., and Public Law 106–393) derived from
20 treatments funded by this account shall be deposited into
21 the Forest Ecosystem Health and Recovery Fund.

22 RANGE IMPROVEMENTS

23 For rehabilitation, protection, and acquisition of
24 lands and interests therein, and improvement of Federal
25 rangelands pursuant to section 401 of the Federal Land
26 Policy and Management Act of 1976 (43 U.S.C. 1701),

1 notwithstanding any other Act, sums equal to 50 percent
2 of all moneys received during the prior fiscal year under
3 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
4 315 et seq.) and the amount designated for range improve-
5 ments from grazing fees and mineral leasing receipts from
6 Bankhead-Jones lands transferred to the Department of
7 the Interior pursuant to law, but not less than
8 \$10,000,000, to remain available until expended: *Pro-*
9 *vided*, That not to exceed \$600,000 shall be available for
10 administrative expenses.

11 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

12 For administrative expenses and other costs related
13 to processing application documents and other authoriza-
14 tions for use and disposal of public lands and resources,
15 for costs of providing copies of official public land docu-
16 ments, for monitoring construction, operation, and termi-
17 nation of facilities in conjunction with use authorizations,
18 and for rehabilitation of damaged property, such amounts
19 as may be collected under Public Law 94–579, as amend-
20 ed, and Public Law 93–153, to remain available until ex-
21 pended: *Provided*, That, notwithstanding any provision to
22 the contrary of section 305(a) of Public Law 94–579 (43
23 U.S.C. 1735(a)), any moneys that have been or will be
24 received pursuant to that section, whether as a result of
25 forfeiture, compromise, or settlement, if not appropriate
26 for refund pursuant to section 305(c) of that Act (43

1 U.S.C. 1735(c)), shall be available and may be expended
2 under the authority of this Act by the Secretary to im-
3 prove, protect, or rehabilitate any public lands adminis-
4 tered through the Bureau of Land Management which
5 have been damaged by the action of a resource developer,
6 purchaser, permittee, or any unauthorized person, without
7 regard to whether all moneys collected from each such ac-
8 tion are used on the exact lands damaged which led to
9 the action: *Provided further*, That any such moneys that
10 are in excess of amounts needed to repair damage to the
11 exact land for which funds were collected may be used to
12 repair other damaged public lands.

13 MISCELLANEOUS TRUST FUNDS

14 In addition to amounts authorized to be expended
15 under existing laws, there is hereby appropriated such
16 amounts as may be contributed under section 307 of the
17 Act of October 21, 1976 (43 U.S.C. 1701), and such
18 amounts as may be advanced for administrative costs, sur-
19 veys, appraisals, and costs of making conveyances of omit-
20 ted lands under section 211(b) of that Act, to remain
21 available until expended.

22 ADMINISTRATIVE PROVISIONS

23 Appropriations for the Bureau of Land Management
24 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to

1 which the United States has title; up to \$100,000 for pay-
2 ments, at the discretion of the Secretary, for information
3 or evidence concerning violations of laws administered by
4 the Bureau; miscellaneous and emergency expenses of en-
5 forcement activities authorized or approved by the Sec-
6 retary and to be accounted for solely on her certificate,
7 not to exceed \$10,000: *Provided*, That notwithstanding 44
8 U.S.C. 501, the Bureau may, under cooperative cost-shar-
9 ing and partnership arrangements authorized by law, pro-
10 cure printing services from cooperators in connection with
11 jointly produced publications for which the cooperators
12 share the cost of printing either in cash or in services,
13 and the Bureau determines the cooperator is capable of
14 meeting accepted quality standards.

15 UNITED STATES FISH AND WILDLIFE SERVICE

16 RESOURCE MANAGEMENT

17 For necessary expenses of the United States Fish and
18 Wildlife Service, as authorized by law, and for scientific
19 and economic studies, maintenance of the herd of long-
20 horned cattle on the Wichita Mountains Wildlife Refuge,
21 general administration, and for the performance of other
22 authorized functions related to such resources by direct
23 expenditure, contracts, grants, cooperative agreements
24 and reimbursable agreements with public and private enti-
25 ties, \$1,005,225,000, to remain available until September

1 30, 2007, except as otherwise provided herein: *Provided*,
2 That \$2,000,000 is for high priority projects, which shall
3 be carried out by the Youth Conservation Corps: *Provided*
4 *further*, That not to exceed \$18,130,000 shall be used for
5 implementing subsections (a), (b), (c), and (e) of section
6 4 of the Endangered Species Act, as amended, for species
7 that are indigenous to the United States (except for proc-
8 essing petitions, developing and issuing proposed and final
9 regulations, and taking any other steps to implement ac-
10 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
11 (c)(2)(B)(ii)), of which not to exceed \$12,852,000 shall
12 be used for any activity regarding the designation of crit-
13 ical habitat, pursuant to subsection (a)(3), excluding liti-
14 gation support, for species listed pursuant to subsection
15 (a)(1) prior to October 1, 2005: *Provided further*, That
16 of the amount available for law enforcement, up to
17 \$400,000, to remain available until expended, may, at the
18 discretion of the Secretary, be used for payment for infor-
19 mation, rewards, or evidence concerning violations of laws
20 administered by the Service, and miscellaneous and emer-
21 gency expenses of enforcement activity, authorized or ap-
22 proved by the Secretary and to be accounted for solely on
23 her certificate: *Provided further*, That of the amount pro-
24 vided for environmental contaminants, up to \$1,000,000

1 may remain available until expended for contaminant sam-
2 ple analyses.

3 CONSTRUCTION

4 For construction, improvement, acquisition, or re-
5 moval of buildings and other facilities required in the con-
6 servation, management, investigation, protection, and uti-
7 lization of fishery and wildlife resources, and the acquisi-
8 tion of lands and interests therein; \$41,206,000, to remain
9 available until expended.

10 LAND ACQUISITION

11 For expenses necessary to carry out the Land and
12 Water Conservation Fund Act of 1965, as amended (16
13 U.S.C. 460l-4 through 11), including administrative ex-
14 penses, and for acquisition of land or waters, or interest
15 therein, in accordance with statutory authority applicable
16 to the United States Fish and Wildlife Service,
17 \$14,937,000 to be derived from the Land and Water Con-
18 servation Fund and to remain available until expended:
19 *Provided*, That land and non-water interests acquired
20 from willing sellers incidental to water rights acquired for
21 the transfer and use at Lower Klamath and Tule Lake
22 National Wildlife Refuges under this heading shall be re-
23 sold and the revenues therefrom shall be credited to this
24 account and shall be available without further appropria-
25 tion for the acquisition of water rights, including acquisi-
26 tion of interests in lands incidental to such water rights,

1 for the two refuges: Provided further, That none of the
2 funds appropriated for specific land acquisition projects
3 can be used to pay for any administrative overhead, plan-
4 ning or other management costs.

5 LANDOWNER INCENTIVE PROGRAM

6 For expenses necessary to carry out the Land and
7 Water Conservation Fund Act of 1965, as amended (16
8 U.S.C. 460l-4 through 11), including administrative ex-
9 penses, and for private conservation efforts to be carried
10 out on private lands, \$23,700,000, to be derived from the
11 Land and Water Conservation Fund, and to remain avail-
12 able until expended: *Provided*, That the amount provided
13 herein is for a Landowner Incentive Program established
14 by the Secretary that provides matching, competitively
15 awarded grants to States, the District of Columbia, feder-
16 ally recognized Indian tribes, Puerto Rico, Guam, the
17 United States Virgin Islands, the Northern Mariana Is-
18 lands, and American Samoa, to establish or supplement
19 existing landowner incentive programs that provide tech-
20 nical and financial assistance, including habitat protection
21 and restoration, to private landowners for the protection
22 and management of habitat to benefit federally listed, pro-
23 posed, candidate, or other at-risk species on private lands.

24 PRIVATE STEWARDSHIP GRANTS

25 For expenses necessary to carry out the Land and
26 Water Conservation Fund Act of 1965, as amended (16

1 U.S.C. 460l–4 through 11), including administrative ex-
2 penses, and for private conservation efforts to be carried
3 out on private lands, \$7,386,000, to be derived from the
4 Land and Water Conservation Fund, and to remain avail-
5 able until expended: *Provided*, That the amount provided
6 herein is for the Private Stewardship Grants Program es-
7 tablished by the Secretary to provide grants and other as-
8 sistance to individuals and groups engaged in private con-
9 servation efforts that benefit federally listed, proposed,
10 candidate, or other at-risk species.

11 COOPERATIVE ENDANGERED SPECIES CONSERVATION
12 FUND

13 For expenses necessary to carry out section 6 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
15 as amended, \$84,400,000, of which \$20,161,000 is to be
16 derived from the Cooperative Endangered Species Con-
17 servation Fund and \$64,239,000 is to be derived from the
18 Land and Water Conservation Fund and to remain avail-
19 able until expended.

20 NATIONAL WILDLIFE REFUGE FUND

21 For expenses necessary to implement the Act of Octo-
22 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

23 NORTH AMERICAN WETLANDS CONSERVATION FUND

24 For expenses necessary to carry out the provisions
25 of the North American Wetlands Conservation Act, Public

1 Law 101–233, as amended, \$40,000,000 to remain avail-
2 able until expended.

3 NEOTROPICAL MIGRATORY BIRD CONSERVATION

4 For financial assistance for projects to promote the
5 conservation of neotropical migratory birds in accordance
6 with the Neotropical Migratory Bird Conservation Act,
7 Public Law 106–247 (16 U.S.C. 6101–6109), \$4,000,000,
8 to remain available until expended.

9 MULTINATIONAL SPECIES CONSERVATION FUND

10 For expenses necessary to carry out the African Ele-
11 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
12 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
13 phant Conservation Act of 1997 (Public Law 105–96; 16
14 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
15 tion Act of 1994 (16 U.S.C. 5301–5306), the Great Ape
16 Conservation Act of 2000 (16 U.S.C. 6301), and, the Ma-
17 rine Turtle Conservation Act of 2004 (Public Law 108–
18 266; 16 U.S.C. 6601), \$5,900,000, to remain available
19 until expended.

20 STATE AND TRIBAL WILDLIFE GRANTS

21 For wildlife conservation grants to States and to the
22 District of Columbia, Puerto Rico, Guam, the United
23 States Virgin Islands, the Northern Mariana Islands,
24 American Samoa, and federally recognized Indian tribes
25 under the provisions of the Fish and Wildlife Act of 1956
26 and the Fish and Wildlife Coordination Act, for the devel-

1 opment and implementation of programs for the benefit
2 of wildlife and their habitat, including species that are not
3 hunted or fished, \$65,000,000, to be derived from the
4 Land and Water Conservation Fund, and to remain avail-
5 able until expended: *Provided*, That of the amount pro-
6 vided herein, \$6,000,000 is for a competitive grant pro-
7 gram for Indian tribes not subject to the remaining provi-
8 sions of this appropriation: *Provided further*, That the Sec-
9 retary shall, after deducting said \$6,000,000 and adminis-
10 trative expenses, apportion the amount provided herein in
11 the following manner: (1) to the District of Columbia and
12 to the Commonwealth of Puerto Rico, each a sum equal
13 to not more than one-half of 1 percent thereof; and (2)
14 to Guam, American Samoa, the United States Virgin Is-
15 lands, and the Commonwealth of the Northern Mariana
16 Islands, each a sum equal to not more than one-fourth
17 of 1 percent thereof: *Provided further*, That the Secretary
18 shall apportion the remaining amount in the following
19 manner: (1) one-third of which is based on the ratio to
20 which the land area of such State bears to the total land
21 area of all such States; and (2) two-thirds of which is
22 based on the ratio to which the population of such State
23 bears to the total population of all such States: *Provided*
24 *further*, That the amounts apportioned under this para-
25 graph shall be adjusted equitably so that no State shall

1 be apportioned a sum which is less than 1 percent of the
2 amount available for apportionment under this paragraph
3 for any fiscal year or more than 5 percent of such amount:
4 *Provided further*, That the Federal share of planning
5 grants shall not exceed 75 percent of the total costs of
6 such projects and the Federal share of implementation
7 grants shall not exceed 50 percent of the total costs of
8 such projects: *Provided further*, That the non-Federal
9 share of such projects may not be derived from Federal
10 grant programs: *Provided further*, That no State, terri-
11 tory, or other jurisdiction shall receive a grant unless it
12 has developed, by October 1, 2005, a comprehensive wild-
13 life conservation plan, consistent with criteria established
14 by the Secretary of the Interior, that considers the broad
15 range of the State, territory, or other jurisdiction's wildlife
16 and associated habitats, with appropriate priority placed
17 on those species with the greatest conservation need and
18 taking into consideration the relative level of funding
19 available for the conservation of those species: *Provided*
20 *further*, That no State, territory, or other jurisdiction shall
21 receive a grant if its comprehensive wildlife conservation
22 plan is disapproved and such funds that would have been
23 distributed to such State, territory, or other jurisdiction
24 shall be distributed equitably to States, territories, and
25 other jurisdictions with approved plans: *Provided further*,

1 That any amount apportioned in 2006 to any State, terri-
2 tory, or other jurisdiction that remains unobligated as of
3 September 30, 2007, shall be reapportioned, together with
4 funds appropriated in 2008, in the manner provided here-
5 in: *Provided further*, That balances from amounts pre-
6 viously appropriated under the heading “State Wildlife
7 Grants” shall be transferred to and merged with this ap-
8 propriation and shall remain available until expended.

9 ADMINISTRATIVE PROVISIONS

10 Appropriations and funds available to the United
11 States Fish and Wildlife Service shall be available for pur-
12 chase of passenger motor vehicles; repair of damage to
13 public roads within and adjacent to reservation areas
14 caused by operations of the Service; options for the pur-
15 chase of land at not to exceed \$1 for each option; facilities
16 incident to such public recreational uses on conservation
17 areas as are consistent with their primary purpose; and
18 the maintenance and improvement of aquaria, buildings,
19 and other facilities under the jurisdiction of the Service
20 and to which the United States has title, and which are
21 used pursuant to law in connection with management, and
22 investigation of fish and wildlife resources: *Provided*, That
23 notwithstanding 44 U.S.C. 501, the Service may, under
24 cooperative cost sharing and partnership arrangements
25 authorized by law, procure printing services from coopera-
26 tors in connection with jointly produced publications for

1 which the cooperators share at least one-half the cost of
2 printing either in cash or services and the Service deter-
3 mines the cooperator is capable of meeting accepted qual-
4 ity standards: *Provided further*, That, notwithstanding any
5 other provision of law, the Service may use up to
6 \$2,000,000 from funds provided for contracts for employ-
7 ment-related legal services: *Provided further*, That the
8 Service may accept donated aircraft as replacements for
9 existing aircraft: *Provided further*, That, notwithstanding
10 any other provision of law, the Secretary of the Interior
11 may not spend any of the funds appropriated in this Act
12 for the purchase of lands or interests in lands to be used
13 in the establishment of any new unit of the National Wild-
14 life Refuge System unless the purchase is approved in ad-
15 vance by the House and Senate Committees on Appropria-
16 tions in compliance with the reprogramming procedures
17 contained in House Report 108–330.

18 NATIONAL PARK SERVICE

19 OPERATION OF THE NATIONAL PARK SYSTEM

20 For expenses necessary for the management, oper-
21 ation, and maintenance of areas and facilities adminis-
22 tered by the National Park Service (including special road
23 maintenance service to trucking permittees on a reimburs-
24 able basis), and for the general administration of the Na-
25 tional Park Service, \$1,754,199,000, of which

1 \$30,000,000 is provided above the budget request to be
2 distributed to all park areas on a pro-rate basis and to
3 remain in the park base; of which \$9,892,000 is for plan-
4 ning and interagency coordination in support of Ever-
5 glades restoration and shall remain available until ex-
6 pended; of which \$97,600,000, to remain available until
7 September 30, 2007, is for maintenance, repair or reha-
8 bilitation projects for constructed assets, operation of the
9 National Park Service automated facility management
10 software system, and comprehensive facility condition as-
11 sessments; of which \$1,937,000 is for the Youth Conserva-
12 tion Corps for high priority projects: *Provided*, That the
13 only funds in this account which may be made available
14 to support United States Park Police are those funds ap-
15 proved for emergency law and order incidents pursuant
16 to established National Park Service procedures, those
17 funds needed to maintain and repair United States Park
18 Police administrative facilities, and those funds necessary
19 to reimburse the United States Park Police account for
20 the unbudgeted overtime and travel costs associated with
21 special events for an amount not to exceed \$10,000 per
22 event subject to the review and concurrence of the Wash-
23 ington headquarters office.

24 UNITED STATES PARK POLICE

25 For expenses necessary to carry out the programs of
26 the United States Park Police, \$82,411,000.

1 NATIONAL RECREATION AND PRESERVATION

2 For expenses necessary to carry out recreation pro-
3 grams, natural programs, cultural programs, heritage
4 partnership programs, environmental compliance and re-
5 view, international park affairs, and grant administration,
6 not otherwise provided for, \$48,997,000: *Provided*, That
7 none of the funds in this Act for the River, Trails and
8 Conservation Assistance program may be used for cash
9 agreements, or for cooperative agreements that are incon-
10 sistent with the program's final strategic plan.

11 HISTORIC PRESERVATION FUND

12 For expenses necessary in carrying out the Historic
13 Preservation Act of 1966, as amended (16 U.S.C. 470),
14 and the Omnibus Parks and Public Lands Management
15 Act of 1996 (Public Law 104-333), \$72,705,000, to be
16 derived from the Historic Preservation Fund, to remain
17 available until September 30, 2007, of which \$30,000,000
18 shall be for Save America's Treasures for preservation of
19 nationally significant sites, structures, and artifacts: *Pro-*
20 *vided*, That any individual Save America's Treasures
21 grant shall be matched by non-Federal funds: *Provided*
22 *further*, That individual projects shall only be eligible for
23 one grant: *Provided further*, That all projects to be funded
24 shall be approved by the Secretary of the Interior in con-
25 sultation with the House and Senate Committees on Ap-
26 propriations and the President's Committee on the Arts

1 and Humanities prior to the commitment of Save Amer-
2 ica’s Treasures grant funds: *Provided further*, That Save
3 America’s Treasures funds allocated for Federal projects,
4 following approval, shall be available by transfer to appro-
5 priate accounts of individual agencies: *Provided further*,
6 That hereinafter and notwithstanding 20 U.S.C. 951 et
7 seq. the National Endowment for the Arts may award
8 Save America’s Treasures grants based upon the rec-
9 ommendations of the Save America’s Treasures grant se-
10 lection panel convened by the President’s Committee on
11 the Arts and the Humanities and the National Park Serv-
12 ice.

13 CONSTRUCTION

14 For construction, improvements, repair or replace-
15 ment of physical facilities, including the modifications au-
16 thorized by section 104 of the Everglades National Park
17 Protection and Expansion Act of 1989, \$308,230,000, to
18 remain available until expended, of which \$17,000,000 for
19 modified water deliveries to Everglades National Park
20 shall be derived by transfer from unobligated balances in
21 the “Land Acquisition and State Assistance” account for
22 Everglades National Park land acquisitions: *Provided*,
23 That none of the funds available to the National Park
24 Service may be used to plan, design, or construct any part-
25 nership project with a total value in excess of \$5,000,000,
26 without advance approval of the House and Senate Com-

1 mittees on Appropriations: *Provided further*, That, not-
2 withstanding any other provision of law, the National
3 Park Service may not accept donations or services associ-
4 ated with the planning, design, or construction of such
5 new facilities without advance approval of the House and
6 Senate Committees on Appropriations: *Provided further*,
7 That funds provided under this heading for implementa-
8 tion of modified water deliveries to Everglades National
9 Park shall be expended consistent with the requirements
10 of the fifth proviso under this heading in Public Law 108-
11 108: *Provided further*, That none of the funds provided
12 in this or any other Act may be used for planning, design,
13 or construction of any underground security screening or
14 visitor contact facility at the Washington Monument until
15 such facility has been approved in writing by the House
16 and Senate Committees on Appropriations.

17 LAND AND WATER CONSERVATION FUND

18 (RESCISSION)

19 The contract authority provided for fiscal year 2006
20 by 16 U.S.C. 4601-10a is rescinded.

21 LAND ACQUISITION AND STATE ASSISTANCE

22 For expenses necessary to carry out the Land and
23 Water Conservation Act of 1965, as amended (16 U.S.C.
24 4601-4 through 11), including administrative expenses,
25 and for acquisition of lands or waters, or interest therein,
26 in accordance with the statutory authority applicable to

1 the National Park Service, \$9,421,000, to be derived from
2 the Land and Water Conservation Fund and to remain
3 available until expended, of which \$1,587,000 is for the
4 administration of the State assistance program.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations for the National Park Service shall be
7 available for the purchase of not to exceed 245 passenger
8 motor vehicles, of which 199 shall be for replacement only,
9 including not to exceed 193 for police-type use, 10 buses,
10 and 8 ambulances: *Provided*, That none of the funds ap-
11 propriated to the National Park Service may be used to
12 process any grant or contract documents which do not in-
13 clude the text of 18 U.S.C. 1913: *Provided further*, That
14 none of the funds appropriated to the National Park Serv-
15 ice may be used to implement an agreement for the rede-
16 velopment of the southern end of Ellis Island until such
17 agreement has been submitted to the Congress and shall
18 not be implemented prior to the expiration of 30 calendar
19 days (not including any day in which either House of Con-
20 gress is not in session because of adjournment of more
21 than 3 calendar days to a day certain) from the receipt
22 by the Speaker of the House of Representatives and the
23 President of the Senate of a full and comprehensive report
24 on the development of the southern end of Ellis Island,
25 including the facts and circumstances relied upon in sup-
26 port of the proposed project: *Provided further*, That in fis-

1 cal year 2006 and thereafter, appropriations available to
2 the National Park Service may be used to maintain the
3 following areas in Washington, District of Columbia:
4 Jackson Place, Madison Place, and Pennsylvania Avenue
5 between 15th and 17th Streets, Northwest.

6 None of the funds in this Act may be spent by the
7 National Park Service for activities taken in direct re-
8 sponse to the United Nations Biodiversity Convention.

9 The National Park Service may distribute to oper-
10 ating units based on the safety record of each unit the
11 costs of programs designed to improve workplace and em-
12 ployee safety, and to encourage employees receiving work-
13 ers' compensation benefits pursuant to chapter 81 of title
14 5, United States Code, to return to appropriate positions
15 for which they are medically able.

16 If the Secretary of the Interior considers the decision
17 of any value determination proceeding conducted under a
18 National Park Service concession contract issued prior to
19 November 13, 1998, to misinterpret or misapply relevant
20 contractual requirements or their underlying legal author-
21 ity, the Secretary may seek, within 180 days of any such
22 decision, the de novo review of the value determination by
23 the United States Court of Federal Claims, and that court
24 may make an order affirming, vacating, modifying or cor-
25 recting the determination.

1 In addition to other uses set forth in section 407(d)
2 of Public Law 105–391, franchise fees credited to a sub-
3 account shall be available for expenditure by the Sec-
4 retary, without further appropriation, for use at any unit
5 within the National Park System to extinguish or reduce
6 liability for Possessory Interest or leasehold surrender in-
7 terest. Such funds may only be used for this purpose to
8 the extent that the benefiting unit anticipated franchise
9 fee receipts over the term of the contract at that unit ex-
10 ceed the amount of funds used to extinguish or reduce
11 liability. Franchise fees at the benefiting unit shall be
12 credited to the sub-account of the originating unit over
13 a period not to exceed the term of a single contract at
14 the benefiting unit, in the amount of funds so expended
15 to extinguish or reduce liability.

16 UNITED STATES GEOLOGICAL SURVEY

17 SURVEYS, INVESTIGATIONS, AND RESEARCH

18 For expenses necessary for the United States Geo-
19 logical Survey to perform surveys, investigations, and re-
20 search covering topography, geology, hydrology, biology,
21 and the mineral and water resources of the United States,
22 its territories and possessions, and other areas as author-
23 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
24 to their mineral and water resources; give engineering su-
25 pervision to power permittees and Federal Energy Regu-

1 latory Commission licensees; administer the minerals ex-
2 ploration program (30 U.S.C. 641); publish and dissemi-
3 nate data relative to the foregoing activities; and to con-
4 duct inquiries into the economic conditions affecting min-
5 ing and materials processing industries (30 U.S.C. 3, 21a,
6 and 1603; 50 U.S.C. 98g(1)) and related purposes as au-
7 thorized by law and to publish and disseminate data;
8 \$974,586,000, of which \$63,770,000 shall be available
9 only for cooperation with States or municipalities for
10 water resources investigations; of which \$8,000,000 shall
11 remain available until expended for satellite operations; of
12 which \$23,320,000 shall be available until September 30,
13 2007, for the operation and maintenance of facilities and
14 deferred maintenance; of which \$1,600,000 shall be avail-
15 able until expended for deferred maintenance and capital
16 improvement projects that exceed \$100,000 in cost; and
17 of which \$174,765,000 shall be available until September
18 30, 2007, for the biological research activity and the oper-
19 ation of the Cooperative Research Units: *Provided*, That
20 none of the funds provided for the biological research ac-
21 tivity shall be used to conduct new surveys on private
22 property, unless specifically authorized in writing by the
23 property owner: *Provided further*, That no part of this ap-
24 propriation shall be used to pay more than one-half the
25 cost of topographic mapping or water resources data col-

1 lection and investigations carried on in cooperation with
2 States and municipalities.

3 ADMINISTRATIVE PROVISIONS

4 The amount appropriated for the United States Geo-
5 logical Survey shall be available for the purchase and re-
6 placement of passenger motor vehicles; reimbursement to
7 the General Services Administration for security guard
8 services; contracting for the furnishing of topographic
9 maps and for the making of geophysical or other special-
10 ized surveys when it is administratively determined that
11 such procedures are in the public interest; construction
12 and maintenance of necessary buildings and appurtenant
13 facilities; acquisition of lands for gauging stations and ob-
14 servation wells; expenses of the United States National
15 Committee on Geology; and payment of compensation and
16 expenses of persons on the rolls of the Survey duly ap-
17 pointed to represent the United States in the negotiation
18 and administration of interstate compacts: *Provided*, That
19 activities funded by appropriations herein made may be
20 accomplished through the use of contracts, grants, or co-
21 operative agreements as defined in 31 U.S.C. 6302 et seq.:
22 *Provided further*, That the United States Geological Sur-
23 vey may enter into contracts or cooperative agreements
24 directly with individuals or indirectly with institutions or
25 nonprofit organizations, without regard to 41 U.S.C. 5,
26 for the temporary or intermittent services of students or

1 recent graduates, who shall be considered employees for
2 the purpose of chapters 57 and 81 of title 5, United States
3 Code, relating to compensation for travel and work inju-
4 ries, and chapter 171 of title 28, United States Code, re-
5 lating to tort claims, but shall not be considered to be Fed-
6 eral employees for any other purposes.

7 MINERALS MANAGEMENT SERVICE

8 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

9 For expenses necessary for minerals leasing and envi-
10 ronmental studies, regulation of industry operations, and
11 collection of royalties, as authorized by law; for enforcing
12 laws and regulations applicable to oil, gas, and other min-
13 erals leases, permits, licenses and operating contracts; and
14 for matching grants or cooperative agreements; including
15 the purchase of not to exceed eight passenger motor vehi-
16 cles for replacement only, \$152,676,000, of which
17 \$77,529,000 shall be available for royalty management ac-
18 tivities; and an amount not to exceed \$122,730,000, to
19 be credited to this appropriation and to remain available
20 until expended, from additions to receipts resulting from
21 increases to rates in effect on August 5, 1993, from rate
22 increases to fee collections for Outer Continental Shelf ad-
23 ministrative activities performed by the Minerals Manage-
24 ment Service (MMS) over and above the rates in effect
25 on September 30, 1993, and from additional fees for

1 Outer Continental Shelf administrative activities estab-
2 lished after September 30, 1993: *Provided*, That to the
3 extent \$122,730,000 in additions to receipts are not real-
4 ized from the sources of receipts stated above, the amount
5 needed to reach \$122,730,000 shall be credited to this ap-
6 propriation from receipts resulting from rental rates for
7 Outer Continental Shelf leases in effect before August 5,
8 1993: *Provided further*, That \$3,000,000 for computer ac-
9 quisitions shall remain available until September 30,
10 2007: *Provided further*, That not to exceed \$3,000 shall
11 be available for reasonable expenses related to promoting
12 volunteer beach and marine cleanup activities: *Provided*
13 *further*, That notwithstanding any other provision of law,
14 \$15,000 under this heading shall be available for refunds
15 of overpayments in connection with certain Indian leases
16 in which the Director of MMS concurred with the claimed
17 refund due, to pay amounts owed to Indian allottees or
18 tribes, or to correct prior unrecoverable erroneous pay-
19 ments: *Provided further*, That in fiscal year 2006 and
20 thereafter, the MMS may under the royalty-in-kind pro-
21 gram, or under its authority to transfer oil to the Strategic
22 Petroleum Reserve, use a portion of the revenues from
23 royalty-in-kind sales, without regard to fiscal year limita-
24 tion, to pay for transportation to wholesale market centers
25 or upstream pooling points, to process or otherwise dispose

1 of royalty production taken in kind, and to recover MMS
2 transportation costs, salaries, and other administrative
3 costs directly related to the royalty-in-kind program: *Pro-*
4 *vided further*, That MMS shall analyze and document the
5 expected return in advance of any royalty-in-kind sales to
6 assure to the maximum extent practicable that royalty in-
7 come under the program is equal to or greater than roy-
8 alty income recognized under a comparable royalty-in-
9 value program.

10 OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
12 1016, title IV, sections 4202 and 4303, title VII, and title
13 VIII, section 8201 of the Oil Pollution Act of 1990,
14 \$7,006,000, which shall be derived from the Oil Spill Li-
15 ability Trust Fund, to remain available until expended.

16 OFFICE OF SURFACE MINING RECLAMATION AND
17 ENFORCEMENT

18 REGULATION AND TECHNOLOGY

19 For necessary expenses to carry out the provisions
20 of the Surface Mining Control and Reclamation Act of
21 1977, Public Law 95–87, as amended, including the pur-
22 chase of not to exceed 10 passenger motor vehicles, for
23 replacement only; \$110,435,000: *Provided*, That the Sec-
24 retary of the Interior, pursuant to regulations, may use
25 directly or through grants to States, moneys collected in
26 fiscal year 2006 for civil penalties assessed under section

1 518 of the Surface Mining Control and Reclamation Act
2 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
3 fected by coal mining practices after August 3, 1977, to
4 remain available until expended: *Provided further*, That
5 appropriations for the Office of Surface Mining Reclama-
6 tion and Enforcement may provide for the travel and per
7 diem expenses of State and tribal personnel attending Of-
8 fice of Surface Mining Reclamation and Enforcement
9 sponsored training.

10 ABANDONED MINE RECLAMATION FUND

11 For necessary expenses to carry out title IV of the
12 Surface Mining Control and Reclamation Act of 1977,
13 Public Law 95–87, as amended, including the purchase
14 of not more than 10 passenger motor vehicles for replace-
15 ment only, \$188,014,000, to be derived from receipts of
16 the Abandoned Mine Reclamation Fund and to remain
17 available until expended; of which up to \$10,000,000, to
18 be derived from the Federal Expenses Share of the Fund,
19 shall be for supplemental grants to States for the reclama-
20 tion of abandoned sites with acid mine rock drainage from
21 coal mines, and for associated activities, through the Ap-
22 palachian Clean Streams Initiative: *Provided*, That grants
23 to minimum program States will be \$1,500,000 per State
24 in fiscal year 2006: *Provided further*, That pursuant to
25 Public Law 97–365, the Department of the Interior is au-
26 thorized to use up to 20 percent from the recovery of the

1 delinquent debt owed to the United States Government to
2 pay for contracts to collect these debts: *Provided further*,
3 That funds made available under title IV of Public Law
4 95–87 may be used for any required non-Federal share
5 of the cost of projects funded by the Federal Government
6 for the purpose of environmental restoration related to
7 treatment or abatement of acid mine drainage from aban-
8 doned mines: *Provided further*, That such projects must
9 be consistent with the purposes and priorities of the Sur-
10 face Mining Control and Reclamation Act: *Provided fur-*
11 *ther*, That amounts allocated under section 402(g)(2) of
12 the Surface Mining Control and Reclamation Act of 1977
13 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not
14 appropriated as of that date, are reallocated to the alloca-
15 tion established in section 402(g)(3) of the Surface Mining
16 Control and Reclamation Act of 1977 (30 U.S.C.
17 1232(g)(3)): *Provided further*, That amounts provided
18 under this heading may be used for the travel and per
19 diem expenses of State and tribal personnel attending Of-
20 fice of Surface Mining Reclamation and Enforcement
21 sponsored training.

22 ADMINISTRATIVE PROVISIONS

23 With funds available for the Technical Innovation
24 and Professional Services program in this Act, the Sec-
25 retary may transfer title for computer hardware, software

1 and other technical equipment to State and Tribal regu-
2 latory and reclamation programs.

3 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), as amended, the Education Amend-
10 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
11 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 as amended, \$1,992,737,000, to remain available until
13 September 30, 2007 except as otherwise provided herein,
14 of which not to exceed \$86,462,000 shall be for welfare
15 assistance payments and notwithstanding any other provi-
16 sion of law, including but not limited to the Indian Self-
17 Determination Act of 1975, as amended, not to exceed
18 \$134,609,000 shall be available for payments to tribes and
19 tribal organizations for contract support costs associated
20 with ongoing contracts, grants, compacts, or annual fund-
21 ing agreements entered into with the Bureau prior to or
22 during fiscal year 2006, as authorized by such Act, of
23 which \$129,609,000 shall be available for indirect contract
24 support costs and \$5,000,000 shall be available for direct
25 contract support costs, except that tribes and tribal orga-

1 nizations may use their tribal priority allocations for
2 unmet contract support costs of ongoing contracts, grants,
3 or compacts, or annual funding agreements and for unmet
4 welfare assistance costs; and of which not to exceed
5 \$478,085,000 for school operations costs of Bureau-fund-
6 ed schools and other education programs shall become
7 available on July 1, 2006, and shall remain available until
8 September 30, 2007; and of which not to exceed
9 \$61,267,000 shall remain available until expended for
10 housing improvement, road maintenance, attorney fees,
11 litigation support, the Indian Self-Determination Fund,
12 land records improvement, and the Navajo-Hopi Settle-
13 ment Program: *Provided*, That notwithstanding any other
14 provision of law, including but not limited to the Indian
15 Self-Determination Act of 1975, as amended, and 25
16 U.S.C. 2008, not to exceed \$44,718,000 within and only
17 from such amounts made available for school operations
18 shall be available to tribes and tribal organizations for ad-
19 ministrative cost grants associated with ongoing grants
20 entered into with the Bureau prior to or during fiscal year
21 2005 for the operation of Bureau-funded schools, and up
22 to \$500,000 within and only from such amounts made
23 available for school operations shall be available for the
24 transitional costs of initial administrative cost grants to
25 tribes and tribal organizations that enter into grants for

1 the operation on or after July 1, 2005, of Bureau-operated
2 schools: *Provided further*, That any forestry funds allo-
3 cated to a tribe which remain unobligated as of September
4 30, 2007, may be transferred during fiscal year 2008 to
5 an Indian forest land assistance account established for
6 the benefit of such tribe within the tribe's trust fund ac-
7 count: *Provided further*, That any such unobligated bal-
8 ances not so transferred shall expire on September 30,
9 2008.

10 CONSTRUCTION

11 For construction, repair, improvement, and mainte-
12 nance of irrigation and power systems, buildings, utilities,
13 and other facilities, including architectural and engineer-
14 ing services by contract; acquisition of lands, and interests
15 in lands; and preparation of lands for farming, and for
16 construction of the Navajo Indian Irrigation Project pur-
17 suant to Public Law 87-483, \$284,137,000, to remain
18 available until expended: *Provided*, That such amounts as
19 may be available for the construction of the Navajo Indian
20 Irrigation Project may be transferred to the Bureau of
21 Reclamation: *Provided further*, That not to exceed 6 per-
22 cent of contract authority available to the Bureau of In-
23 dian Affairs from the Federal Highway Trust Fund may
24 be used to cover the road program management costs of
25 the Bureau: *Provided further*, That any funds provided for
26 the Safety of Dams program pursuant to 25 U.S.C. 13

1 shall be made available on a nonreimbursable basis: *Pro-*
2 *vided further*, That for fiscal year 2006, in implementing
3 new construction or facilities improvement and repair
4 project grants in excess of \$100,000 that are provided to
5 tribally controlled grant schools under Public Law 100–
6 297, as amended, the Secretary of the Interior shall use
7 the Administrative and Audit Requirements and Cost
8 Principles for Assistance Programs contained in 43 CFR
9 part 12 as the regulatory requirements: *Provided further*,
10 That such grants shall not be subject to section 12.61 of
11 43 CFR; the Secretary and the grantee shall negotiate and
12 determine a schedule of payments for the work to be per-
13 formed: *Provided further*, That in considering applications,
14 the Secretary shall consider whether the Indian tribe or
15 tribal organization would be deficient in assuring that the
16 construction projects conform to applicable building stand-
17 ards and codes and Federal, tribal, or State health and
18 safety standards as required by 25 U.S.C. 2005(b), with
19 respect to organizational and financial management capa-
20 bilities: *Provided further*, That if the Secretary declines an
21 application, the Secretary shall follow the requirements
22 contained in 25 U.S.C. 2504(f): *Provided further*, That
23 any disputes between the Secretary and any grantee con-
24 cerning a grant shall be subject to the disputes provision
25 in 25 U.S.C. 2507(e): *Provided further*, That in order to

1 ensure timely completion of replacement school construc-
2 tion projects, the Secretary may assume control of a
3 project and all funds related to the project, if, within
4 eighteen months of the date of enactment of this Act, any
5 tribe or tribal organization receiving funds appropriated
6 in this Act or in any prior Act, has not completed the
7 planning and design phase of the project and commenced
8 construction of the replacement school: *Provided further*,
9 That this Appropriation may be reimbursed from the Of-
10 fice of the Special Trustee for American Indians Appro-
11 priation for the appropriate share of construction costs for
12 space expansion needed in agency offices to meet trust re-
13 form implementation.

14 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
15 MISCELLANEOUS PAYMENTS TO INDIANS

16 For miscellaneous payments to Indian tribes and in-
17 dividuals and for necessary administrative expenses,
18 \$34,754,000, to remain available until expended, for im-
19 plementation of Indian land and water claim settlements
20 pursuant to Public Laws 99-264, 100-580, 101-618,
21 106-554, 107-331, and 108-34, and for implementation
22 of other land and water rights settlements, of which
23 \$10,000,000 shall be available for payment to the
24 Quinault Indian Nation pursuant to the terms of the
25 North Boundary Settlement Agreement dated July 14,

1 2000, providing for the acquisition of perpetual conserva-
2 tion easements from the Nation.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

4 For the cost of guaranteed and insured loans,
5 \$6,348,000, of which \$701,000 is for administrative ex-
6 penses, as authorized by the Indian Financing Act of
7 1974, as amended: *Provided*, That such costs, including
8 the cost of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That these funds are available to subsidize
11 total loan principal, any part of which is to be guaranteed,
12 not to exceed \$118,884,000.

13 ADMINISTRATIVE PROVISIONS

14 The Bureau of Indian Affairs may carry out the oper-
15 ation of Indian programs by direct expenditure, contracts,
16 cooperative agreements, compacts and grants, either di-
17 rectly or in cooperation with States and other organiza-
18 tions.

19 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
20 Affairs may contract for services in support of the man-
21 agement, operation, and maintenance of the Power Divi-
22 sion of the San Carlos Irrigation Project.

23 Appropriations for the Bureau of Indian Affairs (ex-
24 cept the revolving fund for loans, the Indian loan guar-
25 antee and insurance fund, and the Indian Guaranteed
26 Loan Program account) shall be available for expenses of

1 exhibits, and purchase and replacement of passenger
2 motor vehicles.

3 Notwithstanding any other provision of law, no funds
4 available to the Bureau of Indian Affairs for central office
5 operations or pooled overhead general administration (ex-
6 cept facilities operations and maintenance) shall be avail-
7 able for tribal contracts, grants, compacts, or cooperative
8 agreements with the Bureau of Indian Affairs under the
9 provisions of the Indian Self-Determination Act or the
10 Tribal Self-Governance Act of 1994 (Public Law 103-
11 413).

12 In the event any tribe returns appropriations made
13 available by this Act to the Bureau of Indian Affairs for
14 distribution to other tribes, this action shall not diminish
15 the Federal Government's trust responsibility to that
16 tribe, or the government-to-government relationship be-
17 tween the United States and that tribe, or that tribe's abil-
18 ity to access future appropriations.

19 Notwithstanding any other provision of law, no funds
20 available to the Bureau, other than the amounts provided
21 herein for assistance to public schools under 25 U.S.C.
22 452 et seq., shall be available to support the operation of
23 any elementary or secondary school in the State of Alaska.

24 Appropriations made available in this or any other
25 Act for schools funded by the Bureau shall be available

1 only to the schools in the Bureau school system as of Sep-
2 tember 1, 1996. No funds available to the Bureau shall
3 be used to support expanded grades for any school or dor-
4 mitory beyond the grade structure in place or approved
5 by the Secretary of the Interior at each school in the Bu-
6 reau school system as of October 1, 1995. Funds made
7 available under this Act may not be used to establish a
8 charter school at a Bureau-funded school (as that term
9 is defined in section 1146 of the Education Amendments
10 of 1978 (25 U.S.C. 2026)), except that a charter school
11 that is in existence on the date of the enactment of this
12 Act and that has operated at a Bureau-funded school be-
13 fore September 1, 1999, may continue to operate during
14 that period, but only if the charter school pays to the Bu-
15 reau a pro rata share of funds to reimburse the Bureau
16 for the use of the real and personal property (including
17 buses and vans), the funds of the charter school are kept
18 separate and apart from Bureau funds, and the Bureau
19 does not assume any obligation for charter school pro-
20 grams of the State in which the school is located if the
21 charter school loses such funding. Employees of Bureau-
22 funded schools sharing a campus with a charter school and
23 performing functions related to the charter school's oper-
24 ation and employees of a charter school shall not be treat-

1 ed as Federal employees for purposes of chapter 171 of
2 title 28, United States Code.

3 Notwithstanding any other provision of law, including
4 section 113 of title I of appendix C of Public Law 106–
5 113, if a tribe or tribal organization in fiscal year 2003
6 or 2004 received indirect and administrative costs pursu-
7 ant to a distribution formula based on section 5(f) of Pub-
8 lic Law 101–301, the Secretary shall continue to dis-
9 tribute indirect and administrative cost funds to such tribe
10 or tribal organization using the section 5(f) distribution
11 formula.

12 DEPARTMENTAL OFFICES

13 INSULAR AFFAIRS

14 ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior,
17 \$76,563,000, of which: (1) \$69,182,000 shall be available
18 until expended for technical assistance, including mainte-
19 nance assistance, disaster assistance, insular management
20 controls, coral reef initiative activities, and brown tree
21 snake control and research; grants to the judiciary in
22 American Samoa for compensation and expenses, as au-
23 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
24 ment of American Samoa, in addition to current local rev-
25 enues, for construction and support of governmental func-

1 tions; grants to the Government of the Virgin Islands as
2 authorized by law; grants to the Government of Guam,
3 as authorized by law; and grants to the Government of
4 the Northern Mariana Islands as authorized by law (Pub-
5 lic Law 94–241; 90 Stat. 272); and (2) \$7,381,000 shall
6 be available for salaries and expenses of the Office of Insu-
7 lar Affairs: *Provided*, That all financial transactions of the
8 territorial and local governments herein provided for, in-
9 cluding such transactions of all agencies or instrumental-
10 ities established or used by such governments, may be au-
11 dited by the Government Accountability Office, at its dis-
12 cretion, in accordance with chapter 35 of title 31, United
13 States Code: *Provided further*, That Northern Mariana Is-
14 lands Covenant grant funding shall be provided according
15 to those terms of the Agreement of the Special Represent-
16 atives on Future United States Financial Assistance for
17 the Northern Mariana Islands approved by Public Law
18 104–134: *Provided further*, That of the amounts provided
19 for technical assistance, sufficient funds shall be made
20 available for a grant to the Pacific Basin Development
21 Council: *Provided further*, That of the amounts provided
22 for technical assistance, sufficient funding shall be made
23 available for a grant to the Close Up Foundation: *Provided*
24 *further*, That the funds for the program of operations and
25 maintenance improvement are appropriated to institu-

1 tionalize routine operations and maintenance improvement
2 of capital infrastructure with territorial participation and
3 cost sharing to be determined by the Secretary based on
4 the grantee's commitment to timely maintenance of its
5 capital assets: *Provided further*, That any appropriation
6 for disaster assistance under this heading in this Act or
7 previous appropriations Acts may be used as non-Federal
8 matching funds for the purpose of hazard mitigation
9 grants provided pursuant to section 404 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5170c).

12 COMPACT OF FREE ASSOCIATION

13 For grants and necessary expenses, \$5,362,000, to
14 remain available until expended, as provided for in sec-
15 tions 221(a)(2), 221(b), and 233 of the Compact of Free
16 Association for the Republic of Palau; and section
17 221(a)(2) of the Compacts of Free Association for the
18 Government of the Republic of the Marshall Islands, and
19 the Government of the United States and the Federated
20 States of Micronesia, as authorized by Public Law 99-
21 658 and Public Law 108-188.

22 DEPARTMENTAL MANAGEMENT

23 SALARIES AND EXPENSES

24 For necessary expenses for management of the De-
25 partment of the Interior, \$118,755,000; of which
26 \$23,555,000 shall remain available until expended for a

1 Compensation, and Liability Act, as amended (42 U.S.C.
2 9601 et seq.), \$9,855,000, to remain available until ex-
3 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,
4 sums recovered from or paid by a party in advance of or
5 as reimbursement for remedial action or response activi-
6 ties conducted by the Department pursuant to section 107
7 or 113(f) of such Act, shall be credited to this account,
8 to be available until expended without further appropria-
9 tion: *Provided further*, That such sums recovered from or
10 paid by any party are not limited to monetary payments
11 and may include stocks, bonds or other personal or real
12 property, which may be retained, liquidated, or otherwise
13 disposed of by the Secretary and which shall be credited
14 to this account.

15 OFFICE OF THE SOLICITOR

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the Solicitor,
18 \$55,340,000.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
22 General, \$39,566,000.

1 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
2 FEDERAL TRUST PROGRAMS

3 For the operation of trust programs for Indians by
4 direct expenditure, contracts, cooperative agreements,
5 compacts, and grants, \$191,593,000, to remain available
6 until expended, of which not to exceed \$58,000,000 from
7 this or any other Act, shall be available for historical ac-
8 counting: *Provided*, That funds for trust management im-
9 provements and litigation support may, as needed, be
10 transferred to or merged with the Bureau of Indian Af-
11 fairs, "Operation of Indian Programs" account; the Office
12 of the Solicitor, "Salaries and Expenses" account; and the
13 Departmental Management, "Salaries and Expenses" ac-
14 count: *Provided further*, That funds made available to
15 Tribes and Tribal organizations through contracts or
16 grants obligated during fiscal year 2006, as authorized by
17 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
18 et seq.), shall remain available until expended by the con-
19 tractor or grantee: *Provided further*, That, notwith-
20 standing any other provision of law, the statute of limita-
21 tions shall not commence to run on any claim, including
22 any claim in litigation pending on the date of the enact-
23 ment of this Act, concerning losses to or mismanagement
24 of trust funds, until the affected tribe or individual Indian
25 has been furnished with an accounting of such funds from

1 trade-in value used to offset the purchase price for the
2 replacement aircraft: *Provided further*, That no programs
3 funded with appropriated funds in the “Departmental
4 Management”, “Office of the Solicitor”, and “Office of In-
5 spector General” may be augmented through the Working
6 Capital Fund: *Provided further*, That the annual budget
7 justification for Departmental Management shall describe
8 estimated Working Capital Fund charges to bureaus and
9 offices, including the methodology on which charges are
10 based: *Provided further*, That departures from the Work-
11 ing Capital Fund estimates contained in the Departmental
12 Management budget justification shall be presented to the
13 Committees on Appropriations for approval: *Provided fur-*
14 *ther*, That the Secretary shall provide a semi-annual re-
15 port to the Committees on Appropriations on reimbursable
16 support agreements between the Office of the Secretary
17 and the National Business Center and the bureaus and
18 offices of the Department, including the amounts billed
19 pursuant to such agreements.

20 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

21 SEC. 101. Appropriations made in this title shall be
22 available for expenditure or transfer (within each bureau
23 or office), with the approval of the Secretary, for the emer-
24 gency reconstruction, replacement, or repair of aircraft,
25 buildings, utilities, or other facilities or equipment dam-

1 aged or destroyed by fire, flood, storm, or other unavoi-
2 dable causes: *Provided*, That no funds shall be made avail-
3 able under this authority until funds specifically made
4 available to the Department of the Interior for emer-
5 gencies shall have been exhausted, and must be replen-
6 ished by a supplemental appropriation which must be re-
7 quested as promptly as possible.

8 SEC. 102. The Secretary may authorize the expendi-
9 ture or transfer of any no year appropriation in this title,
10 in addition to the amounts included in the budget pro-
11 grams of the several agencies, for the suppression or emer-
12 gency prevention of wildland fires on or threatening lands
13 under the jurisdiction of the Department of the Interior;
14 for the emergency rehabilitation of burned-over lands
15 under its jurisdiction; for emergency actions related to po-
16 tential or actual earthquakes, floods, volcanoes, storms, or
17 other unavoidable causes; for contingency planning subse-
18 quent to actual oil spills; for response and natural resource
19 damage assessment activities related to actual oil spills;
20 for the prevention, suppression, and control of actual or
21 potential grasshopper and Mormon cricket outbreaks on
22 lands under the jurisdiction of the Secretary, pursuant to
23 the authority in section 1773(b) of Public Law 99–198
24 (99 Stat. 1658); for emergency reclamation projects under
25 section 410 of Public Law 95–87; and shall transfer, from

1 any no year funds available to the Office of Surface Min-
2 ing Reclamation and Enforcement, such funds as may be
3 necessary to permit assumption of regulatory authority in
4 the event a primacy State is not carrying out the regu-
5 latory provisions of the Surface Mining Act: *Provided*,
6 That appropriations made in this title for wildland fire
7 operations shall be available for the payment of obligations
8 incurred during the preceding fiscal year, and for reim-
9 bursement to other Federal agencies for destruction of ve-
10 hicles, aircraft, or other equipment in connection with
11 their use for wildland fire operations, such reimbursement
12 to be credited to appropriations currently available at the
13 time of receipt thereof: *Provided further*, That for wildland
14 fire operations, no funds shall be made available under
15 this authority until the Secretary determines that funds
16 appropriated for “wildland fire operations” shall be ex-
17 hausted within 30 days, and must be replenished by a sup-
18 plemental appropriation which must be requested as
19 promptly as possible: *Provided further*, That such replen-
20 ishment funds shall be used to reimburse, on a pro rata
21 basis, accounts from which emergency funds were trans-
22 ferred.

23 SEC. 103. Appropriations made to the Department
24 of the Interior in this title shall be available for services
25 as authorized by 5 U.S.C. 3109, when authorized by the

1 Secretary, in total amount not to exceed \$500,000; hire,
2 maintenance, and operation of aircraft; hire of passenger
3 motor vehicles; purchase of reprints; payment for tele-
4 phone service in private residences in the field, when au-
5 thorized under regulations approved by the Secretary; and
6 the payment of dues, when authorized by the Secretary,
7 for library membership in societies or associations which
8 issue publications to members only or at a price to mem-
9 bers lower than to subscribers who are not members.

10 SEC. 104. No funds provided in this title may be ex-
11 pended by the Department of the Interior for the conduct
12 of offshore preleasing, leasing and related activities placed
13 under restriction in the President's moratorium statement
14 of June 12, 1998, in the areas of northern, central, and
15 southern California; the North Atlantic; Washington and
16 Oregon; and the eastern Gulf of Mexico south of 26 de-
17 grees north latitude and east of 86 degrees west longitude.

18 SEC. 105. No funds provided in this title may be ex-
19 pended by the Department of the Interior to conduct off-
20 shore oil and natural gas preleasing, leasing and related
21 activities in the eastern Gulf of Mexico planning area for
22 any lands located outside Sale 181, as identified in the
23 final Outer Continental Shelf 5-Year Oil and Gas Leasing
24 Program, 1997–2002.

1 SEC. 106. No funds provided in this title may be ex-
2 pended by the Department of the Interior to conduct oil
3 and natural gas preleasing, leasing and related activities
4 in the Mid-Atlantic and South Atlantic planning areas.

5 SEC. 107. Notwithstanding any other provisions of
6 law, the National Park Service shall not develop or imple-
7 ment a reduced entrance fee program to accommodate
8 non-local travel through a unit. The Secretary may provide
9 for and regulate local non-recreational passage through
10 units of the National Park System, allowing each unit to
11 develop guidelines and permits for such activity appro-
12 priate to that unit.

13 SEC. 108. Appropriations made in this Act under the
14 headings Bureau of Indian Affairs and Office of Special
15 Trustee for American Indians and any unobligated bal-
16 ances from prior appropriations Acts made under the
17 same headings shall be available for expenditure or trans-
18 fer for Indian trust management and reform activities, ex-
19 cept that total funding for historical accounting activities
20 shall not exceed amounts specifically designated in this
21 Act for such purpose.

22 SEC. 109. Notwithstanding any other provision of
23 law, for the purpose of reducing the backlog of Indian pro-
24 bate cases in the Department of the Interior, the hearing
25 requirements of chapter 10 of title 25, United States

1 Code, are deemed satisfied by a proceeding conducted by
2 an Indian probate judge, appointed by the Secretary with-
3 out regard to the provisions of title 5, United States Code,
4 governing the appointments in the competitive service, for
5 such period of time as the Secretary determines necessary:
6 *Provided*, That the basic pay of an Indian probate judge
7 so appointed may be fixed by the Secretary without regard
8 to the provisions of chapter 51, and subchapter III of
9 chapter 53 of title 5, United States Code, governing the
10 classification and pay of General Schedule employees, ex-
11 cept that no such Indian probate judge may be paid at
12 a level which exceeds the maximum rate payable for the
13 highest grade of the General Schedule, including locality
14 pay.

15 SEC. 110. Notwithstanding any other provision of
16 law, the Secretary of the Interior is authorized to redis-
17 tribute any Tribal Priority Allocation funds, including
18 tribal base funds, to alleviate tribal funding inequities by
19 transferring funds to address identified, unmet needs,
20 dual enrollment, overlapping service areas or inaccurate
21 distribution methodologies. No tribe shall receive a reduc-
22 tion in Tribal Priority Allocation funds of more than 10
23 percent in fiscal year 2006. Under circumstances of dual
24 enrollment, overlapping service areas or inaccurate dis-

1 tribution methodologies, the 10 percent limitation does not
2 apply.

3 SEC. 111. Funds appropriated for the Bureau of In-
4 dian Affairs for postsecondary schools for fiscal year 2006
5 shall be allocated among the schools proportionate to the
6 unmet need of the schools as determined by the Postsec-
7 ondary Funding Formula adopted by the Office of Indian
8 Education Programs.

9 SEC. 112. Notwithstanding any other provision of
10 law, in conveying the Twin Cities Research Center under
11 the authority provided by Public Law 104–134, as amend-
12 ed by Public Law 104–208, the Secretary may accept and
13 retain land and other forms of reimbursement: *Provided*,
14 That the Secretary may retain and use any such reim-
15 bursement until expended and without further appropria-
16 tion: (1) for the benefit of the National Wildlife Refuge
17 System within the State of Minnesota; and (2) for all ac-
18 tivities authorized by Public Law 100–696; 16 U.S.C.
19 460zz.

20 SEC. 113. The Secretary of the Interior may use or
21 contract for the use of helicopters or motor vehicles on
22 the Sheldon and Hart National Wildlife Refuges for the
23 purpose of capturing and transporting horses and burros.
24 The provisions of subsection (a) of the Act of September
25 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such

1 use. Such use shall be in accordance with humane proce-
2 dures prescribed by the Secretary.

3 SEC. 114. Funds provided in this Act for Federal
4 land acquisition by the National Park Service for Shen-
5 andoah Valley Battlefields National Historic District and
6 Ice Age National Scenic Trail may be used for a grant
7 to a State, a local government, or any other land manage-
8 ment entity for the acquisition of lands without regard to
9 any restriction on the use of Federal land acquisition
10 funds provided through the Land and Water Conservation
11 Fund Act of 1965 as amended.

12 SEC. 115. None of the funds made available by this
13 Act may be obligated or expended by the National Park
14 Service to enter into or implement a concession contract
15 which permits or requires the removal of the underground
16 lunchroom at the Carlsbad Caverns National Park.

17 SEC. 116. None of the funds made available in this
18 Act may be used: (1) to demolish the bridge between Jer-
19 sey City, New Jersey, and Ellis Island; or (2) to prevent
20 pedestrian use of such bridge, when such pedestrian use
21 is consistent with generally accepted safety standards.

22 SEC. 117. None of the funds in this or any other Act
23 can be used to compensate the Special Master and the
24 Special Master-Monitor, and all variations thereto, ap-
25 pointed by the United States District Court for the Dis-

1 triet of Columbia in the Cobell v. Norton litigation at an
2 annual rate that exceeds 200 percent of the highest Senior
3 Executive Service rate of pay for the Washington-Balti-
4 more locality pay area.

5 SEC. 118. The Secretary of the Interior may use dis-
6 cretionary funds to pay private attorneys fees and costs
7 for employees and former employees of the Department
8 of the Interior reasonably incurred in connection with
9 Cobell v. Norton to the extent that such fees and costs
10 are not paid by the Department of Justice or by private
11 insurance. In no case shall the Secretary make payments
12 under this section that would result in payment of hourly
13 fees in excess of the highest hourly rate approved by the
14 District Court for the District of Columbia for counsel in
15 Cobell v. Norton.

16 SEC. 119. The United States Fish and Wildlife Serv-
17 ice shall, in carrying out its responsibilities to protect
18 threatened and endangered species of salmon, implement
19 a system of mass marking of salmonid stocks, intended
20 for harvest, that are released from Federally operated or
21 Federally financed hatcheries including but not limited to
22 fish releases of coho, chinook, and steelhead species.
23 Marked fish must have a visible mark that can be readily
24 identified by commercial and recreational fishers.

1 SEC. 120. Such sums as may be necessary from “De-
2 partmental Management, Salaries and Expenses”, may be
3 transferred to “United States Fish and Wildlife Service,
4 Resource Management” for operational needs at the Mid-
5 way Atoll National Wildlife Refuge airport.

6 SEC. 121. (a) IN GENERAL.—Nothing in section 134
7 of the Department of the Interior and Related Agencies
8 Appropriations Act, 2002 (115 Stat. 443) affects the deci-
9 sion of the United States Court of Appeals for the 10th
10 Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250
11 (2001).

12 (b) USE OF CERTAIN INDIAN LAND.—Nothing in this
13 section permits the conduct of gaming under the Indian
14 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land
15 described in section 123 of the Department of the Interior
16 and Related Agencies Appropriations Act, 2001 (114 Stat.
17 944), or land that is contiguous to that land, regardless
18 of whether the land or contiguous land has been taken
19 into trust by the Secretary of the Interior.

20 SEC. 122. No funds appropriated for the Department
21 of the Interior by this Act or any other Act shall be used
22 to study or implement any plan to drain Lake Powell or
23 to reduce the water level of the lake below the range of
24 water levels required for the operation of the Glen Canyon
25 Dam.

1 SEC. 123. Notwithstanding the limitation in subpara-
2 graph (2)(B) of section 18(a) of the Indian Gaming Regu-
3 latory Act (25 U.S.C. 2717(a)), the total amount of all
4 fees imposed by the National Indian Gaming Commission
5 for fiscal year 2007 shall not exceed \$12,000,000.

6 SEC. 124. Notwithstanding any implementation of
7 the Department of the Interior’s trust reorganization or
8 reengineering plans, or the implementation of the “To Be”
9 Model, funds appropriated for fiscal year 2006 shall be
10 available to the tribes within the California Tribal Trust
11 Reform Consortium and to the Salt River Pima-Maricopa
12 Indian Community, the Confederated Salish and Kootenai
13 Tribes of the Flathead Reservation and the Chippewa Cree
14 Tribe of the Rocky Boys Reservation through the same
15 methodology as funds were distributed in fiscal year 2004.
16 This Demonstration Project shall continue to operate sep-
17 arate and apart from the Department of the Interior’s
18 trust reform and reorganization and the Department shall
19 not impose its trust management infrastructure upon or
20 alter the existing trust resource management systems of
21 the above referenced tribes having a self-governance com-
22 pact and operating in accordance with the Tribal Self-Gov-
23 ernance Program set forth in 25 U.S.C. 458aa–458hh:
24 *Provided*, That the California Trust Reform Consortium
25 and any other participating tribe agree to carry out their

1 responsibilities under the same written and implemented
2 fiduciary standards as those being carried by the Sec-
3 retary of the Interior: *Provided further*, That they dem-
4 onstrate to the satisfaction of the Secretary that they have
5 the capability to do so: *Provided further*, That the Depart-
6 ment shall provide funds to the tribes in an amount equal
7 to that required by 25 U.S.C. 458cc(g)(3), including funds
8 specifically or functionally related to the provision of trust
9 services to the tribes or their members.

10 SEC. 125. Notwithstanding any provision of law, in-
11 cluding 42 U.S.C. 4321 et. seq., nonrenewable grazing
12 permits authorized in the Jarbidge Field Office, Bureau
13 of Land Management within the past 9 years, shall be re-
14 newed. The Animal Unit Months contained in the most
15 recently expired nonrenewable grazing permit, authorized
16 between March 1, 1997, and February 28, 2003, shall
17 continue in effect under the renewed permit. Nothing in
18 this section shall be deemed to extend the nonrenewable
19 permits beyond the standard 1-year term.

20 SEC. 126. Notwithstanding any other provision of
21 law, the Secretary of the Interior is authorized to acquire
22 lands, waters, or interests therein including the use of all
23 or part of any pier, dock, or landing within the State of
24 New York and the State of New Jersey, for the purpose
25 of operating and maintaining facilities in the support of

1 transportation and accommodation of visitors to Ellis,
2 Governors, and Liberty Islands, and of other program and
3 administrative activities, by donation or with appropriated
4 funds, including franchise fees (and other monetary con-
5 sideration), or by exchange; and the Secretary is author-
6 ized to negotiate and enter into leases, subleases, conces-
7 sion contracts or other agreements for the use of such fa-
8 cilities on such terms and conditions as the Secretary may
9 determine reasonable.

10 SEC. 127. Upon the request of the permittee for the
11 Clark Mountain Allotment lands adjacent to the Mojave
12 National Preserve, the Secretary shall also issue a special
13 use permit for that portion of the grazing allotment lo-
14 cated within the Preserve. The special use permit shall be
15 issued with the same terms and conditions as the most
16 recently-issued permit for that allotment and the Sec-
17 retary shall consider the permit to be one transferred in
18 accordance with section 325 of Public Law 108–108.

19 SEC. 128. Notwithstanding any other provision of
20 law, the National Park Service final winter use rules pub-
21 lished in part VII of the Federal Register for November
22 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force
23 and effect for the winter use season of 2005–2006 that
24 commences on or about December 15, 2005.

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For environmental programs and management, in-
3 cluding necessary expenses, not otherwise provided for, for
4 personnel and related costs and travel expenses, including
5 uniforms, or allowances therefor, as authorized by 5
6 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
7 3109, but at rates for individuals not to exceed the per
8 diem rate equivalent to the maximum rate payable for sen-
9 ior level positions under 5 U.S.C. 5376; hire of passenger
10 motor vehicles; hire, maintenance, and operation of air-
11 craft; purchase of reprints; library memberships in soci-
12 eties or associations which issue publications to members
13 only or at a price to members lower than to subscribers
14 who are not members; construction, alteration, repair, re-
15 habilitation, and renovation of facilities, not to exceed
16 \$85,000 per project; and not to exceed \$9,000 for official
17 reception and representation expenses, \$2,389,491,000,
18 which shall remain available until September 30, 2007, in-
19 cluding administrative costs of the brownfields program
20 under the Small Business Liability Relief and Brownfields
21 Revitalization Act of 2002.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, as amended, and for construction,
26 alteration, repair, rehabilitation, and renovation of facili-

1 ties, not to exceed \$85,000 per project, \$37,955,000 to
2 remain available until September 30, 2007.

3 BUILDINGS AND FACILITIES

4 For construction, repair, improvement, extension, al-
5 teration, and purchase of fixed equipment or facilities of,
6 or for use by, the Environmental Protection Agency,
7 \$40,218,000 to remain available until expended.

8 HAZARDOUS SUBSTANCE SUPERFUND

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses to carry out the Comprehen-
11 sive Environmental Response, Compensation, and Liabil-
12 ity Act of 1980 (CERCLA), as amended, including sec-
13 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
14 9611), and for construction, alteration, repair, rehabilita-
15 tion, and renovation of facilities, not to exceed \$85,000
16 per project; \$1,258,333,000, to remain available until ex-
17 pended, consisting of such sums as are available in the
18 Trust Fund upon the date of enactment of this Act as
19 authorized by section 517(a) of the Superfund Amend-
20 ments and Reauthorization Act of 1986 (SARA) and up
21 to \$1,258,333,000 as a payment from general revenues
22 to the Hazardous Substance Superfund for purposes as
23 authorized by section 517(b) of SARA, as amended: *Pro-*
24 *vided*, That funds appropriated under this heading may
25 be allocated to other Federal agencies in accordance with
26 section 111(a) of CERCLA: *Provided further*, That of the

1 funds appropriated under this heading, \$13,536,000 shall
2 be transferred to the “Office of Inspector General” appro-
3 priation to remain available until September 30, 2007,
4 and \$30,606,000 shall be transferred to the “Science and
5 technology” appropriation to remain available until Sep-
6 tember 30, 2007.

7 LEAKING UNDERGROUND STORAGE TANK PROGRAM

8 For necessary expenses to carry out leaking under-
9 ground storage tank cleanup activities authorized by sec-
10 tion 205 of the Superfund Amendments and Reauthoriza-
11 tion Act of 1986, and for construction, alteration, repair,
12 rehabilitation, and renovation of facilities, not to exceed
13 \$85,000 per project, \$73,027,000, to remain available
14 until expended.

15 OIL SPILL RESPONSE

16 For expenses necessary to carry out the Environ-
17 mental Protection Agency’s responsibilities under the Oil
18 Pollution Act of 1990, \$15,863,000, to be derived from
19 the Oil Spill Liability trust fund, to remain available until
20 expended.

21 STATE AND TRIBAL ASSISTANCE GRANTS

22 (INCLUDING RESCISSIONS OF FUNDS)

23 For environmental programs and infrastructure as-
24 sistance, including capitalization grants for State revolv-
25 ing funds and performance partnership grants,
26 \$3,127,800,000, to remain available until expended, of

1 which \$750,000,000 shall be for making capitalization
2 grants for the Clean Water State Revolving Funds under
3 title VI of the Federal Water Pollution Control Act, as
4 amended (the “Act”), of which up to \$50,000,000 shall
5 be available for loans, including interest free loans as au-
6 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
7 municipal, interstate, or State agencies or nonprofit enti-
8 ties for projects that provide treatment for or that mini-
9 mize sewage or stormwater discharges using one or more
10 approaches which include, but are not limited to, decen-
11 tralized or distributed stormwater controls, decentralized
12 wastewater treatment, low-impact development practices,
13 conservation easements, stream buffers, or wetlands res-
14 toration; \$850,000,000 shall be for capitalization grants
15 for the Drinking Water State Revolving Funds under sec-
16 tion 1452 of the Safe Drinking Water Act, as amended,
17 except that, notwithstanding section 1452(n) of the Safe
18 Drinking Water Act, as amended, none of the funds made
19 available under this heading in this Act, or in previous
20 appropriations Acts, shall be reserved by the Adminis-
21 trator for health effects studies on drinking water con-
22 taminants; \$50,000,000 shall be for architectural, engi-
23 neering, planning, design, construction and related activi-
24 ties in connection with the construction of high priority
25 water and wastewater facilities in the area of the United

1 States-Mexico Border, after consultation with the appro-
2 priate border commission; \$15,000,000 shall be for grants
3 to the State of Alaska to address drinking water and waste
4 infrastructure needs of rural and Alaska Native Villages;
5 \$200,000,000 shall be for making grants for the construc-
6 tion of drinking water, wastewater and storm water infra-
7 structure and for water quality protection (“special project
8 grants”) in accordance with the terms and conditions
9 specified for such grants in the joint explanatory state-
10 ment of the managers accompanying this Act, and, for
11 purposes of these grants, each grantee shall contribute not
12 less than 45 percent of the cost of the project unless the
13 grantee is approved for a waiver by the Agency;
14 \$95,500,000 shall be to carry out section 104(k) of the
15 Comprehensive Environmental Response, Compensation,
16 and Liability Act of 1980 (CERCLA), as amended, includ-
17 ing grants, interagency agreements, and associated pro-
18 gram support costs; \$4,000,000 shall be for a grant to
19 Puerto Rico for drinking water infrastructure improve-
20 ments to the Metropolitan community water system in
21 San Juan; \$10,000,000 for cost-shared grants for school
22 bus retrofit and replacement projects that reduce diesel
23 emissions: *Provided*, That beginning in fiscal year 2006
24 and thereafter, the Administrator is authorized to make
25 such grants, subject to terms and conditions as the Ad-

1 administrator shall establish, to State, tribal, and local gov-
2 ernmental entities responsible for providing school bus
3 services to one or more school districts; and
4 \$1,153,300,000 shall be for grants, including associated
5 program support costs, to States, federally recognized
6 tribes, interstate agencies, tribal consortia, and air pollu-
7 tion control agencies for multi-media or single media pol-
8 lution prevention, control and abatement and related ac-
9 tivities, including activities pursuant to the provisions set
10 forth under this heading in Public Law 104–134, and for
11 making grants under section 103 of the Clean Air Act for
12 particulate matter monitoring and data collection activi-
13 ties of which and subject to terms and conditions specified
14 by the Administrator, of which \$52,000,000 shall be for
15 carrying out section 128 of CERCLA, as amended, and
16 \$20,000,000 shall be for Environmental Information Ex-
17 change Network grants, including associated program
18 support costs, and \$15,000,000 shall be for making com-
19 petitive targeted watershed grants: *Provided further*, That
20 for fiscal year 2006, State authority under section 302(a)
21 of Public Law 104–182 shall remain in effect: *Provided*
22 *further*, That notwithstanding section 603(d)(7) of the
23 Act, the limitation on the amounts in a State water pollu-
24 tion control revolving fund that may be used by a State
25 to administer the fund shall not apply to amounts included

1 as principal in loans made by such fund in fiscal year 2006
2 and prior years where such amounts represent costs of ad-
3 ministering the fund to the extent that such amounts are
4 or were deemed reasonable by the Administrator, ac-
5 counted for separately from other assets in the fund, and
6 used for eligible purposes of the fund, including adminis-
7 tration: *Provided further*, That for fiscal year 2006, and
8 notwithstanding section 518(f) of the Act, the Adminis-
9 trator is authorized to use the amounts appropriated for
10 any fiscal year under section 319 of that Act to make
11 grants to Indian tribes pursuant to sections 319(h) and
12 518(e) of that Act: *Provided further*, That for fiscal year
13 2006, notwithstanding the limitation on amounts in sec-
14 tion 518(e) of the Act, up to a total of 1½ percent of
15 the funds appropriated for State Revolving Funds under
16 title VI of that Act may be reserved by the Administrator
17 for grants under section 518(c) of that Act: *Provided fur-*
18 *ther*, That no funds provided by this legislation to address
19 the water, wastewater and other critical infrastructure
20 needs of the colonias in the United States along the
21 United States-Mexico border shall be made available to a
22 county or municipal government unless that government
23 has established an enforceable local ordinance, or other
24 zoning rule, which prevents in that jurisdiction the devel-
25 opment or construction of any additional colonia areas, or

1 the development within an existing colonia the construc-
2 tion of any new home, business, or other structure which
3 lacks water, wastewater, or other necessary infrastructure:
4 *Provided further*, That, notwithstanding any other provi-
5 sion of law, such funds that were appropriated under this
6 heading for special project grants in fiscal year 2000 or
7 before and for which the Agency has not received an appli-
8 cation and issued a grant by September 30, 2006, shall
9 be made available to the Clean Water or Drinking Water
10 Revolving Fund, as appropriate, for the State in which
11 the special project grant recipient is located: *Provided fur-*
12 *ther*, That excess funds remaining after completion of a
13 special project grant shall be made available to the Clean
14 Water or Drinking Water Revolving Fund, as appropriate,
15 for the State in which the special project grant recipient
16 is located: *Provided further*, That in the event that a spe-
17 cial project is determined by the Agency to be ineligible
18 for a grant, the funds for that project shall be made avail-
19 able to the Clean Water or Drinking Water Revolving
20 Fund, as appropriate, for the State in which the special
21 project grant recipient is located: *Provided further*, That,
22 notwithstanding any other provision of law, heretofore and
23 hereafter, after consultation with the House and Senate
24 Committees on Appropriations and for the purpose of
25 making technical corrections, the Administrator is author-

1 ized to award grants under this heading to entities and
2 for purposes other than those listed in the joint explana-
3 tory statements of the managers accompanying the Agen-
4 cy's appropriations Acts for the construction of drinking
5 water, wastewater and storm water infrastructure and for
6 water quality protection.

7 For an additional amount for the Clean Water State
8 Revolving Fund, \$100,000,000 shall be made available
9 from the rescissions of multi-year and no-year funding,
10 previously appropriated to the Environmental Protection
11 Agency, the availability of which under the original appro-
12 priation accounts has not expired, and \$100,000,000 in
13 such funding is hereby rescinded: *Provided*, That such re-
14 scissions shall be taken solely from amounts associated
15 with grants, contracts, and interagency agreements whose
16 availability under the original period for obligation for
17 such grant, contract, or interagency agreement has ex-
18 pired based on the April 2005 review by the Government
19 Accountability Office.

20 ADMINISTRATIVE PROVISIONS

21 For fiscal year 2006, notwithstanding 31 U.S.C.
22 6303(1) and 6305(1), the Administrator of the Environ-
23 mental Protection Agency, in carrying out the Agency's
24 function to implement directly Federal environmental pro-
25 grams required or authorized by law in the absence of an
26 acceptable tribal program, may award cooperative agree-

1 ments to federally-recognized Indian Tribes or Intertribal
2 consortia, if authorized by their member Tribes, to assist
3 the Administrator in implementing Federal environmental
4 programs for Indian Tribes required or authorized by law,
5 except that no such cooperative agreements may be award-
6 ed from funds designated for State financial assistance
7 agreements.

8 The Administrator of the Environmental Protection
9 Agency is authorized to collect and obligate pesticide reg-
10 istration service fees in accordance with section 33 of the
11 Federal Insecticide, Fungicide, and Rodenticide Act (as
12 added by subsection (f)(2) of the Pesticide Registration
13 Improvement Act of 2003), as amended.

14 Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-
15 propriated funds for fiscal year 2006 may be used to
16 award grants or loans under section 104(k) of CERCLA
17 to eligible entities that satisfy all of the elements set forth
18 in CERCLA section 101(40) to qualify as a bona fide pro-
19 spective purchaser except that the date of acquisition of
20 the property was prior to the date of enactment of the
21 Small Business Liability Relief and Brownfield Revitaliza-
22 tion Act of 2001.

23 For fiscal years 2006 through 2011, the Adminis-
24 trator may, after consultation with the Office of Personnel
25 Management, make not to exceed five appointments in any

1 fiscal year under the authority provided in 42 U.S.C. 209
2 for the Office of Research and Development.

3 TITLE III—RELATED AGENCIES

4 DEPARTMENT OF AGRICULTURE

5 FOREST SERVICE

6 FOREST AND RANGELAND RESEARCH

7 For necessary expenses of forest and rangeland re-
8 search as authorized by law, \$285,000,000, to remain
9 available until expended: *Provided*, That of the funds pro-
10 vided, \$62,100,000 is for the forest inventory and analysis
11 program.

12 STATE AND PRIVATE FORESTRY

13 For necessary expenses of cooperating with and pro-
14 viding technical and financial assistance to States, terri-
15 tories, possessions, and others, and for forest health man-
16 agement, including treatments of pests, pathogens, and
17 invasive or noxious plants and for restoring and rehabili-
18 tating forests damaged by pests or invasive plants, cooper-
19 ative forestry, and education and land conservation activi-
20 ties and conducting an international program as author-
21 ized, \$254,875,000, to remain available until expended, as
22 authorized by law of which \$25,000,000 is to be derived
23 from the Land and Water Conservation Fund: *Provided*,
24 That none of the funds provided under this heading for
25 the acquisition of lands or interests in lands shall be avail-
26 able until the Forest Service notifies the House Committee

1 on Appropriations and the Senate Committee on Appro-
2 priations, in writing, of specific contractual and grant de-
3 tails including the non-Federal cost share: *Provided fur-*
4 *ther*, That of the funds provided herein, \$1,000,000 shall
5 be provided to Custer County, Idaho for economic develop-
6 ment in accordance with the Central Idaho Economic De-
7 velopment and Recreation Act, subject to authorization.

8 NATIONAL FOREST SYSTEM

9 For necessary expenses of the Forest Service, not
10 otherwise provided for, for management, protection, im-
11 provement, and utilization of the National Forest System,
12 \$1,423,920,000, to remain available until expended, which
13 shall include 50 percent of all moneys received during
14 prior fiscal years as fees collected under the Land and
15 Water Conservation Fund Act of 1965, as amended, in
16 accordance with section 4 of the Act (16 U.S.C. 460l-
17 6a(i)): *Provided*, That unobligated balances under this
18 heading available at the start of fiscal year 2006 shall be
19 displayed by budget line item in the fiscal year 2007 budg-
20 et justification.

21 WILDLAND FIRE MANAGEMENT

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for forest fire presuppression
24 activities on National Forest System lands, for emergency
25 fire suppression on or adjacent to such lands or other
26 lands under fire protection agreement, hazardous fuels re-

1 duction on or adjacent to such lands, and for emergency
2 rehabilitation of burned-over National Forest System
3 lands and water, \$1,790,506,000, to remain available until
4 expended: *Provided*, That such funds including unobli-
5 gated balances under this heading, are available for repay-
6 ment of advances from other appropriations accounts pre-
7 viously transferred for such purposes: *Provided further*,
8 That such funds shall be available to reimburse State and
9 other cooperating entities for services provided in response
10 to wildfire and other emergencies or disasters to the extent
11 such reimbursements by the Forest Service for non-fire
12 emergencies are fully repaid by the responsible emergency
13 management agency: *Provided further*, That not less than
14 50 percent of any unobligated balances remaining (exclu-
15 sive of amounts for hazardous fuels reduction) at the end
16 of fiscal year 2005 shall be transferred, as repayment for
17 past advances that have not been repaid, to the fund es-
18 tablished pursuant to section 3 of Public Law 71-319 (16
19 U.S.C. 576 et seq.): *Provided further*, That, notwith-
20 standing any other provision of law, \$8,000,000 of funds
21 appropriated under this appropriation shall be used for
22 Fire Science Research in support of the Joint Fire Science
23 Program: *Provided further*, That all authorities for the use
24 of funds, including the use of contracts, grants, and coop-
25 erative agreements, available to execute the Forest and

1 Rangeland Research appropriation, are also available in
2 the utilization of these funds for Fire Science Research:
3 *Provided further*, That funds provided shall be available
4 for emergency rehabilitation and restoration, hazardous
5 fuels reduction activities in the urban-wildland interface,
6 support to Federal emergency response, and wildfire sup-
7 pression activities of the Forest Service: *Provided further*,
8 That of the funds provided, \$286,000,000 is for hazardous
9 fuels reduction activities, \$9,281,000 is for rehabilitation
10 and restoration, \$21,719,000 is for research activities and
11 to make competitive research grants pursuant to the For-
12 est and Rangeland Renewable Resources Research Act, as
13 amended (16 U.S.C. 1641 et seq.), \$41,000,000 is for
14 State fire assistance, \$8,000,000 is for volunteer fire as-
15 sistance, \$15,000,000 is for forest health activities on
16 Federal lands and \$10,000,000 is for forest health activi-
17 ties on State and private lands: *Provided further*, That
18 amounts in this paragraph may be transferred to the
19 “State and Private Forestry”, “National Forest System”,
20 and “Forest and Rangeland Research” accounts to fund
21 State fire assistance, volunteer fire assistance, forest
22 health management, forest and rangeland research, vege-
23 tation and watershed management, heritage site rehabili-
24 tation, and wildlife and fish habitat management and res-
25 toration: *Provided further*, That transfers of any amounts

1 in excess of those authorized in this paragraph, shall re-
2 quire approval of the House and Senate Committees on
3 Appropriations in compliance with reprogramming proce-
4 dures contained in the report accompanying this Act: *Pro-*
5 *vided further*, That funds provided under this heading for
6 hazardous fuels treatments may be transferred to and
7 made a part of the “National Forest System” account at
8 the sole discretion of the Chief of the Forest Service thirty
9 days after notifying the House and the Senate Committees
10 on Appropriations: *Provided further*, That the costs of im-
11 plementing any cooperative agreement between the Fed-
12 eral Government and any non-Federal entity may be
13 shared, as mutually agreed on by the affected parties: *Pro-*
14 *vided further*, That in addition to funds provided for State
15 Fire Assistance programs, and subject to all authorities
16 available to the Forest Service under the State and Pri-
17 vate Forestry Appropriations, up to \$15,000,000 may be
18 used on adjacent non-Federal lands for the purpose of pro-
19 tecting communities when hazard reduction activities are
20 planned on national forest lands that have the potential
21 to place such communities at risk: *Provided further*, That
22 the Secretary of the Interior and the Secretary of Agri-
23 culture may authorize the transfer of funds appropriated
24 for wildland fire management, in an aggregate amount not
25 to exceed \$9,000,000, between the Departments when

1 such transfers would facilitate and expedite jointly funded
2 wildland fire management programs and projects: *Pro-*
3 *vided further*, That funds designated for wildfire suppres-
4 sion, shall be assessed for indirect costs, in a manner con-
5 sistent with such assessments against other agency pro-
6 grams.

7 CAPITAL IMPROVEMENT AND MAINTENANCE

8 For necessary expenses of the Forest Service, not
9 otherwise provided for, \$468,260,000, to remain available
10 until expended for construction, reconstruction, mainte-
11 nance and acquisition of buildings and other facilities, and
12 for construction, reconstruction, repair, decommissioning,
13 and maintenance of forest roads and trails by the Forest
14 Service as authorized by 16 U.S.C. 532–538 and 23
15 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
16 of the funds provided herein for road maintenance shall
17 be available for the decommissioning of roads, including
18 unauthorized roads not part of the transportation system,
19 which are no longer needed: *Provided further*, That no
20 funds shall be expended to decommission any system road
21 until notice and an opportunity for public comment has
22 been provided on each decommissioning project.

23 LAND ACQUISITION

24 For expenses necessary to carry out the provisions
25 of the Land and Water Conservation Fund Act of 1965,
26 as amended (16 U.S.C. 4601–4 through 11), including ad-

1 ministrative expenses, and for acquisition of land or wa-
2 ters, or interest therein, in accordance with statutory au-
3 thority applicable to the Forest Service, \$15,000,000, to
4 be derived from the Land and Water Conservation Fund
5 and to remain available until expended.

6 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
7 ACTS

8 For acquisition of lands within the exterior bound-
9 aries of the Cache, Uinta, and Wasatch National Forests,
10 Utah; the Toiyabe National Forest, Nevada; and the An-
11 geles, San Bernardino, Sequoia, and Cleveland National
12 Forests, California, as authorized by law, \$1,069,000, to
13 be derived from forest receipts.

14 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

15 For acquisition of lands, such sums, to be derived
16 from funds deposited by State, county, or municipal gov-
17 ernments, public school districts, or other public school au-
18 thorities, and for authorized expenditures from funds de-
19 posited by non-Federal parties pursuant to Land Sale and
20 Exchange Acts, pursuant to the Act of December 4, 1967,
21 as amended (16 U.S.C. 484a), to remain available until
22 expended.

23 RANGE BETTERMENT FUND

24 For necessary expenses of range rehabilitation, pro-
25 tection, and improvement, 50 percent of all moneys re-
26 ceived during the prior fiscal year, as fees for grazing do-

1 mestic livestock on lands in National Forests in the 16
2 Western States, pursuant to section 401(b)(1) of Public
3 Law 94–579, as amended, to remain available until ex-
4 pended, of which not to exceed 6 percent shall be available
5 for administrative expenses associated with on-the-ground
6 range rehabilitation, protection, and improvements.

7 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
8 RANGELAND RESEARCH

9 For expenses authorized by 16 U.S.C. 1643(b),
10 \$64,000, to remain available until expended, to be derived
11 from the fund established pursuant to the above Act.

12 MANAGEMENT OF NATIONAL FOREST LANDS FOR
13 SUBSISTENCE USES

14 For necessary expenses of the Forest Service to man-
15 age Federal lands in Alaska for subsistence uses under
16 title VIII of the Alaska National Interest Lands Conserva-
17 tion Act (Public Law 96–487), \$5,467,000, to remain
18 available until expended.

19 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

20 Appropriations to the Forest Service for the current
21 fiscal year shall be available for: (1) purchase of passenger
22 motor vehicles; acquisition of passenger motor vehicles
23 from excess sources, and hire of such vehicles; purchase,
24 lease, operation, maintenance, and acquisition of aircraft
25 from excess sources to maintain the operable fleet for use
26 in Forest Service wildland fire programs and other Forest

1 Service programs; notwithstanding other provisions of law,
2 existing aircraft being replaced may be sold, with proceeds
3 derived or trade-in value used to offset the purchase price
4 for the replacement aircraft; (2) services pursuant to 7
5 U.S.C. 2225, and not to exceed \$100,000 for employment
6 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
7 ation of buildings and other public improvements (7
8 U.S.C. 2250); (4) acquisition of land, waters, and inter-
9 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
10 pursuant to the Volunteers in the National Forest Act of
11 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
12 of uniforms as authorized by 5 U.S.C. 5901–5902; and
13 (7) for debt collection contracts in accordance with 31
14 U.S.C. 3718(c).

15 None of the funds made available under this Act shall
16 be obligated or expended to abolish any region, to move
17 or close any regional office for National Forest System
18 administration of the Forest Service, Department of Agri-
19 culture without the consent of the House and Senate Com-
20 mittees on Appropriations.

21 Any appropriations or funds available to the Forest
22 Service may be transferred to the Wildland Fire Manage-
23 ment appropriation for forest firefighting, emergency re-
24 habilitation of burned-over or damaged lands or waters
25 under its jurisdiction, and fire preparedness due to severe

1 burning conditions upon notification of the House and
2 Senate Committees on Appropriations and if and only if
3 all previously appropriated emergency contingent funds
4 under the heading “Wildland Fire Management” have
5 been released by the President and apportioned and all
6 wildfire suppression funds under the heading “Wildland
7 Fire Management” are obligated.

8 The first transfer of funds into the Wildland Fire
9 Management account shall include unobligated funds, if
10 available, from the Land Acquisition account and the For-
11 est Legacy program within the State and Private Forestry
12 account.

13 Funds appropriated to the Forest Service shall be
14 available for assistance to or through the Agency for Inter-
15 national Development and the Foreign Agricultural Serv-
16 ice in connection with forest and rangeland research, tech-
17 nical information, and assistance in foreign countries, and
18 shall be available to support forestry and related natural
19 resource activities outside the United States and its terri-
20 tories and possessions, including technical assistance, edu-
21 cation and training, and cooperation with United States
22 and international organizations.

23 None of the funds made available to the Forest Serv-
24 ice under this Act shall be subject to transfer under the
25 provisions of section 702(b) of the Department of Agri-

1 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
2 147b, however in fiscal year 2006 the Forest Service may
3 transfer funds to the “National Forest System” account
4 from other agency accounts to enable the agency’s law en-
5 forcement program to pay full operating costs including
6 overhead.

7 None of the funds available to the Forest Service may
8 be reprogrammed without the advance approval of the
9 House and Senate Committees on Appropriations in ac-
10 cordance with the reprogramming procedures contained in
11 the report accompanying this Act.

12 Not more than \$72,646,000 of the funds available to
13 the Forest Service shall be transferred to the Working
14 Capital Fund of the Department of Agriculture.

15 Funds available to the Forest Service shall be avail-
16 able to conduct a program of not less than \$2,000,000
17 for high priority projects within the scope of the approved
18 budget which shall be carried out by the Youth Conserva-
19 tion Corps.

20 Of the funds available to the Forest Service, \$4,000
21 is available to the Chief of the Forest Service for official
22 reception and representation expenses.

23 Pursuant to sections 405(b) and 410(b) of Public
24 Law 101–593, of the funds available to the Forest Service,
25 \$3,000,000 may be advanced in a lump sum to the Na-

1 tional Forest Foundation to aid conservation partnership
2 projects in support of the Forest Service mission, without
3 regard to when the Foundation incurs expenses, for ad-
4 ministrative expenses or projects on or benefitting Na-
5 tional Forest System lands or related to Forest Service
6 programs: *Provided*, That of the Federal funds made
7 available to the Foundation, no more than \$250,000 shall
8 be available for administrative expenses: *Provided further*,
9 That the Foundation shall obtain, by the end of the period
10 of Federal financial assistance, private contributions to
11 match on at least one-for-one basis funds made available
12 by the Forest Service: *Provided further*, That the Founda-
13 tion may transfer Federal funds to a non-Federal recipient
14 for a project at the same rate that the recipient has ob-
15 tained the non-Federal matching funds: *Provided further*,
16 That authorized investments of Federal funds held by the
17 Foundation may be made only in interest-bearing obliga-
18 tions of the United States or in obligations guaranteed as
19 to both principal and interest by the United States.

20 Pursuant to section 2(b)(2) of Public Law 98-244,
21 \$2,650,000 of the funds available to the Forest Service
22 shall be advanced to the National Fish and Wildlife Foun-
23 dation in a lump sum to aid cost-share conservation
24 projects, without regard to when expenses are incurred,
25 on or benefitting National Forest System lands or related

1 to Forest Service programs: *Provided*, That such funds
2 shall be matched on at least a one-for-one basis by the
3 Foundation or its subrecipients.

4 Funds appropriated to the Forest Service shall be
5 available for interactions with and providing technical as-
6 sistance to rural communities for sustainable rural devel-
7 opment purposes.

8 Any appropriations or funds available to the Forest
9 Service may be used for necessary expenses in the event
10 of law enforcement emergencies as necessary to protect
11 natural resources and public or employee safety: *Provided*,
12 That such amounts shall not exceed \$500,000.

13 An eligible individual who is employed in any project
14 funded under title V of the Older American Act of 1965
15 (42 U.S.C. 3056 et seq.) and administered by the Forest
16 Service shall be considered to be a Federal employee for
17 purposes of chapter 171 of title 28, United States Code.

18 Any funds appropriated to the Forest Service may
19 be used to meet the non-Federal share requirement in sec-
20 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
21 3056(c)(2)).

22 For each fiscal year through 2009, funds available
23 to the Forest Service in this Act may be used for the pur-
24 pose of expenses associated with primary and secondary
25 schooling for dependents of agency personnel stationed in

1 Puerto Rico prior to the date of enactment of this Act,
2 who are subject to transfer and reassignment to other lo-
3 cations in the United States, at a cost not in excess of
4 those authorized for the Department of Defense for the
5 same area, when it is determined by the Chief of the For-
6 est Service that public schools available in the locality are
7 unable to provide adequately for the education of such de-
8 pendants.

9 DEPARTMENT OF HEALTH AND HUMAN
10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-
14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
15 tion Act, the Indian Health Care Improvement Act, and
16 titles II and III of the Public Health Service Act with re-
17 spect to the Indian Health Service, \$2,732,298,000, to-
18 gether with payments received during the fiscal year pur-
19 suant to 42 U.S.C. 238(b) for services furnished by the
20 Indian Health Service: *Provided*, That funds made avail-
21 able to tribes and tribal organizations through contracts,
22 grant agreements, or any other agreements or compacts
23 authorized by the Indian Self-Determination and Edu-
24 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
25 deemed to be obligated at the time of the grant or contract

1 award and thereafter shall remain available to the tribe
2 or tribal organization without fiscal year limitation: *Pro-*
3 *vided further*, That up to \$18,000,000 shall remain avail-
4 able until expended, for the Indian Catastrophic Health
5 Emergency Fund: *Provided further*, That \$507,021,000
6 for contract medical care shall remain available for obliga-
7 tion until September 30, 2007: *Provided further*, That of
8 the funds provided, up to \$27,000,000, to remain available
9 until expended, shall be used to carry out the loan repay-
10 ment program under section 108 of the Indian Health
11 Care Improvement Act: *Provided further*, That funds pro-
12 vided in this Act may be used for one-year contracts and
13 grants which are to be performed in two fiscal years, so
14 long as the total obligation is recorded in the year for
15 which the funds are appropriated: *Provided further*, That
16 the amounts collected by the Secretary of Health and
17 Human Services under the authority of title IV of the In-
18 dian Health Care Improvement Act shall remain available
19 until expended for the purpose of achieving compliance
20 with the applicable conditions and requirements of titles
21 XVIII and XIX of the Social Security Act (exclusive of
22 planning, design, or construction of new facilities): *Pro-*
23 *vided further*, That funding contained herein, and in any
24 earlier appropriations Acts for scholarship programs
25 under the Indian Health Care Improvement Act (25

1 U.S.C. 1613) shall remain available until expended: *Pro-*
2 *vided further*, That amounts received by tribes and tribal
3 organizations under title IV of the Indian Health Care Im-
4 provement Act shall be reported and accounted for and
5 available to the receiving tribes and tribal organizations
6 until expended: *Provided further*, That, notwithstanding
7 any other provision of law, of the amounts provided herein,
8 not to exceed \$268,683,000 shall be for payments to tribes
9 and tribal organizations for contract or grant support
10 costs associated with contracts, grants, self-governance
11 compacts or annual funding agreements between the In-
12 dian Health Service and a tribe or tribal organization pur-
13 suant to the Indian Self-Determination Act of 1975, as
14 amended, prior to or during fiscal year 2006, of which
15 not to exceed \$5,000,000 may be used for contract sup-
16 port costs associated with new or expanded self-determina-
17 tion contracts, grants, self-governance compacts or annual
18 funding agreements: *Provided further*, That funds avail-
19 able for the Indian Health Care Improvement Fund may
20 be used, as needed, to carry out activities typically funded
21 under the Indian Health Facilities account: *Provided fur-*
22 *ther*, That of the amounts provided to the Indian Health
23 Service, \$15,000,000 is provided for alcohol control, en-
24 forcement, prevention, treatment, sobriety and wellness,
25 and education in Alaska: *Provided further*, That none of

1 the funds may be used for tribal courts or tribal ordinance
2 programs or any program that is not directly related to
3 alcohol control, enforcement, prevention, treatment, or so-
4 briety: *Provided further*, That no more than 15 percent
5 may be used by any entity receiving funding for adminis-
6 trative overhead including indirect costs: *Provided further*,
7 That the Bureau of Indian Affairs shall collect from the
8 Indian Health Service and tribes and tribal organizations
9 operating health facilities pursuant to Public Law 93–638
10 such individually identifiable health information relating
11 to disabled children as may be necessary for the purpose
12 of carrying out its functions under the Individuals With
13 Disability Education Act, 20 U.S.C. 1400, et seq.

14 INDIAN HEALTH FACILITIES

15 For construction, repair, maintenance, improvement,
16 and equipment of health and related auxiliary facilities,
17 including quarters for personnel; preparation of plans,
18 specifications, and drawings; acquisition of sites, purchase
19 and erection of modular buildings, and purchases of trail-
20 ers; and for provision of domestic and community sanita-
21 tion facilities for Indians, as authorized by section 7 of
22 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
23 Self-Determination Act, and the Indian Health Care Im-
24 provement Act, and for expenses necessary to carry out
25 such Acts and titles II and III of the Public Health Serv-
26 ice Act with respect to environmental health and facilities

1 support activities of the Indian Health Service,
2 \$370,774,000, to remain available until expended: *Pro-*
3 *vided*, That notwithstanding any other provision of law,
4 funds appropriated for the planning, design, construction
5 or renovation of health facilities for the benefit of an In-
6 dian tribe or tribes may be used to purchase land for sites
7 to construct, improve, or enlarge health or related facili-
8 ties: *Provided further*, That not to exceed \$500,000 shall
9 be used by the Indian Health Service to purchase
10 TRANSAM equipment from the Department of Defense
11 for distribution to the Indian Health Service and tribal
12 facilities: *Provided further*, That none of the funds appro-
13 priated to the Indian Health Service may be used for sani-
14 tation facilities construction for new homes funded with
15 grants by the housing programs of the United States De-
16 partment of Housing and Urban Development: *Provided*
17 *further*, That not to exceed \$1,000,000 from this account
18 and the “Indian Health Services” account shall be used
19 by the Indian Health Service to obtain ambulances for the
20 Indian Health Service and tribal facilities in conjunction
21 with an existing interagency agreement between the In-
22 dian Health Service and the General Services Administra-
23 tion: *Provided further*, That notwithstanding any other
24 provision of law, funds appropriated for the planning, de-
25 sign, and construction of the replacement health care facil-

1 ity in Barrow, Alaska, may be used to purchase land up
2 to approximately 8 hectares for a site upon which to con-
3 struct the new health care facility: *Provided further*, That
4 not to exceed \$500,000 shall be placed in a Demolition
5 Fund, available until expended, to be used by the Indian
6 Health Service for demolition of Federal buildings.

7 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

8 Appropriations in this Act to the Indian Health Serv-
9 ice shall be available for services as authorized by 5 U.S.C.
10 3109 but at rates not to exceed the per diem rate equiva-
11 lent to the maximum rate payable for senior-level positions
12 under 5 U.S.C. 5376; hire of passenger motor vehicles and
13 aircraft; purchase of medical equipment; purchase of re-
14 prints; purchase, renovation and erection of modular
15 buildings and renovation of existing facilities; payments
16 for telephone service in private residences in the field,
17 when authorized under regulations approved by the Sec-
18 retary; and for uniforms or allowances therefor as author-
19 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
20 ance at meetings which are concerned with the functions
21 or activities for which the appropriation is made or which
22 will contribute to improved conduct, supervision, or man-
23 agement of those functions or activities.

24 In accordance with the provisions of the Indian
25 Health Care Improvement Act, non-Indian patients may
26 be extended health care at all tribally administered or In-

1 dian Health Service facilities, subject to charges, and the
2 proceeds along with funds recovered under the Federal
3 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
4 be credited to the account of the facility providing the
5 service and shall be available without fiscal year limitation.
6 Notwithstanding any other law or regulation, funds trans-
7 ferred from the Department of Housing and Urban Devel-
8 opment to the Indian Health Service shall be administered
9 under Public Law 86–121 (the Indian Sanitation Facili-
10 ties Act) and Public Law 93–638, as amended.

11 Funds appropriated to the Indian Health Service in
12 this Act, except those used for administrative and program
13 direction purposes, shall not be subject to limitations di-
14 rected at curtailing Federal travel and transportation.

15 None of the funds made available to the Indian
16 Health Service in this Act shall be used for any assess-
17 ments or charges by the Department of Health and
18 Human Services unless identified in the budget justifica-
19 tion and provided in this Act, or approved by the House
20 and Senate Committees on Appropriations through the re-
21 programming process. Personnel ceilings may not be im-
22 posed on the Indian Health Service nor may any action
23 be taken to reduce the full time equivalent level of the
24 Indian Health Service below the level in fiscal year 2002
25 adjusted upward for the staffing of new and expanded fa-

1 cilities, funding provided for staffing at the Lawton, Okla-
2 homa hospital in fiscal years 2003 and 2004, critical posi-
3 tions not filled in fiscal year 2002, and staffing necessary
4 to carry out the intent of Congress with regard to program
5 increases.

6 Notwithstanding any other provision of law, funds
7 previously or herein made available to a tribe or tribal or-
8 ganization through a contract, grant, or agreement au-
9 thorized by title I or title V of the Indian Self-Determina-
10 tion and Education Assistance Act of 1975 (25 U.S.C.
11 450), may be deobligated and reobligated to a self-deter-
12 mination contract under title I, or a self-governance agree-
13 ment under title V of such Act and thereafter shall remain
14 available to the tribe or tribal organization without fiscal
15 year limitation.

16 None of the funds made available to the Indian
17 Health Service in this Act shall be used to implement the
18 final rule published in the Federal Register on September
19 16, 1987, by the Department of Health and Human Serv-
20 ices, relating to the eligibility for the health care services
21 of the Indian Health Service until the Indian Health Serv-
22 ice has submitted a budget request reflecting the increased
23 costs associated with the proposed final rule, and such re-
24 quest has been included in an appropriations Act and en-
25 acted into law.

1 With respect to functions transferred by the Indian
2 Health Service to tribes or tribal organizations, the Indian
3 Health Service is authorized to provide goods and services
4 to those entities, on a reimbursable basis, including pay-
5 ment in advance with subsequent adjustment. The reim-
6 bursements received therefrom, along with the funds re-
7 ceived from those entities pursuant to the Indian Self-De-
8 termination Act, may be credited to the same or subse-
9 quent appropriation account which provided the funding.
10 Such amounts shall remain available until expended.

11 Reimbursements for training, technical assistance, or
12 services provided by the Indian Health Service will contain
13 total costs, including direct, administrative, and overhead
14 associated with the provision of goods, services, or tech-
15 nical assistance.

16 The appropriation structure for the Indian Health
17 Service may not be altered without advance notification
18 to the House and Senate Committees on Appropriations.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

21 SCIENCES

22 For necessary expenses for the National Institute of
23 Environmental Health Sciences in carrying out activities
24 set forth in section 311(a) of the Comprehensive Environ-
25 mental Response, Compensation, and Liability Act of

1 1980, as amended, and section 126(g) of the Superfund
2 Amendments and Reauthorization Act of 1986,
3 \$80,289,000.

4 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

5 REGISTRY

6 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

7 HEALTH

8 For necessary expenses for the Agency for Toxic Sub-
9 stances and Disease Registry (ATSDR) in carrying out
10 activities set forth in sections 104(i), 111(c)(4), and
11 111(c)(14) of the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act of 1980
13 (CERCLA), as amended; section 118(f) of the Superfund
14 Amendments and Reauthorization Act of 1986 (SARA),
15 as amended; and section 3019 of the Solid Waste Disposal
16 Act, as amended, \$76,024,000, of which up to \$1,500,000,
17 to remain available until expended, is for Individual
18 Learning Accounts for full-time equivalent employees of
19 the Agency for Toxic Substances and Disease Registry:
20 *Provided*, That notwithstanding any other provision of
21 law, in lieu of performing a health assessment under sec-
22 tion 104(i)(6) of CERCLA, the Administrator of ATSDR
23 may conduct other appropriate health studies, evaluations,
24 or activities, including, without limitation, biomedical test-
25 ing, clinical evaluations, medical monitoring, and referral

1 to accredited health care providers: *Provided further*, That
2 in performing any such health assessment or health study,
3 evaluation, or activity, the Administrator of ATSDR shall
4 not be bound by the deadlines in section 104(i)(6)(A) of
5 CERCLA: *Provided further*, That none of the funds appro-
6 priated under this heading shall be available for ATSDR
7 to issue in excess of 40 toxicological profiles pursuant to
8 section 104(i) of CERCLA during fiscal year 2006, and
9 existing profiles may be updated as necessary.

10 OTHER RELATED AGENCIES

11 EXECUTIVE OFFICE OF THE PRESIDENT

12 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF 13 ENVIRONMENTAL QUALITY

14 For necessary expenses to continue functions as-
15 signed to the Council on Environmental Quality and Office
16 of Environmental Quality pursuant to the National Envi-
17 ronmental Policy Act of 1969, the Environmental Quality
18 Improvement Act of 1970, and Reorganization Plan No.
19 1 of 1977, and not to exceed \$750 for official reception
20 and representation expenses, \$2,717,000: *Provided*, That
21 notwithstanding section 202 of the National Environ-
22 mental Policy Act of 1970, the Council shall consist of
23 one member, appointed by the President, by and with the
24 advice and consent of the Senate, serving as chairman and
25 exercising all powers, functions, and duties of the Council.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses in carrying out activities pur-
4 suant to section 112(r)(6) of the Clean Air Act, as amend-
5 ed, including hire of passenger vehicles, uniforms or allow-
6 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
7 for services authorized by 5 U.S.C. 3109 but at rates for
8 individuals not to exceed the per diem equivalent to the
9 maximum rate payable for senior level positions under 5
10 U.S.C. 5376, \$9,200,000: *Provided*, That the Chemical
11 Safety and Hazard Investigation Board (Board) shall have
12 not more than three career Senior Executive Service posi-
13 tions: *Provided further*, That notwithstanding any other
14 provision of law, the individual appointed to the position
15 of Inspector General of the Environmental Protection
16 Agency (EPA) shall, by virtue of such appointment, also
17 hold the position of Inspector General of the Board: *Pro-*
18 *vided further*, That notwithstanding any other provision of
19 law, the Inspector General of the Board shall utilize per-
20 sonnel of the Office of Inspector General of EPA in per-
21 forming the duties of the Inspector General of the Board,
22 and shall not appoint any individuals to positions within
23 the Board.

1 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Navajo and
4 Hopi Indian Relocation as authorized by Public Law 93–
5 531, \$8,601,000, to remain available until expended: *Pro-*
6 *vided*, That funds provided in this or any other appropria-
7 tions Act are to be used to relocate eligible individuals and
8 groups including evictees from District 6, Hopi-partitioned
9 lands residents, those in significantly substandard hous-
10 ing, and all others certified as eligible and not included
11 in the preceding categories: *Provided further*, That none
12 of the funds contained in this or any other Act may be
13 used by the Office of Navajo and Hopi Indian Relocation
14 to evict any single Navajo or Navajo family who, as of
15 November 30, 1985, was physically domiciled on the lands
16 partitioned to the Hopi Tribe unless a new or replacement
17 home is provided for such household: *Provided further*,
18 That no relocatee will be provided with more than one new
19 or replacement home: *Provided further*, That the Office
20 shall relocate any certified eligible relocatees who have se-
21 lected and received an approved homesite on the Navajo
22 reservation or selected a replacement residence off the
23 Navajo reservation or on the land acquired pursuant to
24 25 U.S.C. 640d–10.

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
2 CULTURE AND ARTS DEVELOPMENT
3 PAYMENT TO THE INSTITUTE

4 For payment to the Institute of American Indian and
5 Alaska Native Culture and Arts Development, as author-
6 ized by title XV of Public Law 99–498, as amended (20
7 U.S.C. 56 part A), \$6,300,000.

8 SMITHSONIAN INSTITUTION
9 SALARIES AND EXPENSES

10 For necessary expenses of the Smithsonian Institu-
11 tion, as authorized by law, including research in the fields
12 of art, science, and history; development, preservation, and
13 documentation of the National Collections; presentation of
14 public exhibits and performances; collection, preparation,
15 dissemination, and exchange of information and publica-
16 tions; conduct of education, training, and museum assist-
17 ance programs; maintenance, alteration, operation, lease
18 (for terms not to exceed 30 years), and protection of build-
19 ings, facilities, and approaches; not to exceed \$100,000
20 for services as authorized by 5 U.S.C. 3109; up to five
21 replacement passenger vehicles; purchase, rental, repair,
22 and cleaning of uniforms for employees, \$524,381,000, of
23 which not to exceed \$10,992,000 for the instrumentation
24 program, collections acquisition, exhibition reinstallation,
25 the National Museum of African American History and

1 Culture, and the repatriation of skeletal remains program
2 shall remain available until expended; and of which
3 \$9,086,000 for the reopening of the Patent Office Build-
4 ing and for fellowships and scholarly awards shall remain
5 available until September 30, 2007; and including such
6 funds as may be necessary to support American overseas
7 research centers and a total of \$125,000 for the Council
8 of American Overseas Research Centers: *Provided*, That
9 funds appropriated herein are available for advance pay-
10 ments to independent contractors performing research
11 services or participating in official Smithsonian presen-
12 tations: *Provided further*, That the Smithsonian Institu-
13 tion may expend Federal appropriations designated in this
14 Act for lease or rent payments for long term and swing
15 space, as rent payable to the Smithsonian Institution, and
16 such rent payments may be deposited into the general
17 trust funds of the Institution to the extent that federally
18 supported activities are housed in the 900 H Street, N.W.
19 building in the District of Columbia: *Provided further*,
20 That this use of Federal appropriations shall not be con-
21 strued as debt service, a Federal guarantee of, a transfer
22 of risk to, or an obligation of, the Federal Government:
23 *Provided further*, That no appropriated funds may be used
24 to service debt which is incurred to finance the costs of

1 acquiring the 900 H Street building or of planning, de-
2 signing, and constructing improvements to such building.

3 FACILITIES CAPITAL

4 For necessary expenses of repair, revitalization, and
5 alteration of facilities owned or occupied by the Smithso-
6 nian Institution, by contract or otherwise, as authorized
7 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
8 and for construction, including necessary personnel,
9 \$90,900,000, to remain available until expended, of which
10 not to exceed \$10,000 is for services as authorized by 5
11 U.S.C. 3109: *Provided*, That contracts awarded for envi-
12 ronmental systems, protection systems, and repair or res-
13 toration of facilities of the Smithsonian Institution may
14 be negotiated with selected contractors and awarded on
15 the basis of contractor qualifications as well as price.

16 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
17 INSTITUTION

18 None of the funds in this or any other Act may be
19 used to make any changes to the existing Smithsonian
20 science programs including closure of facilities, relocation
21 of staff or redirection of functions and programs without
22 the advance approval of the House and Senate Committees
23 on Appropriations.

24 None of the funds in this or any other Act may be
25 used to initiate the design for any proposed expansion of

1 current space or new facility without consultation with the
2 House and Senate Appropriations Committees.

3 None of the funds in this or any other Act may be
4 used for the Holt House located at the National Zoological
5 Park in Washington, D.C., unless identified as repairs to
6 minimize water damage, monitor structure movement, or
7 provide interim structural support.

8 None of the funds available to the Smithsonian may
9 be reprogrammed without the advance written approval of
10 the House and Senate Committees on Appropriations in
11 accordance with the reprogramming procedures contained
12 in the statement of the managers accompanying this Act.

13 None of the funds in this or any other Act may be
14 used to purchase any additional buildings without prior
15 consultation with the House and Senate Committees on
16 Appropriations.

17 NATIONAL GALLERY OF ART

18 SALARIES AND EXPENSES

19 For the upkeep and operations of the National Gal-
20 lery of Art, the protection and care of the works of art
21 therein, and administrative expenses incident thereto, as
22 authorized by the Act of March 24, 1937 (50 Stat. 51),
23 as amended by the public resolution of April 13, 1939
24 (Public Resolution 9, Seventy-sixth Congress), including
25 services as authorized by 5 U.S.C. 3109; payment in ad-

1 vance when authorized by the treasurer of the Gallery for
2 membership in library, museum, and art associations or
3 societies whose publications or services are available to
4 members only, or to members at a price lower than to the
5 general public; purchase, repair, and cleaning of uniforms
6 for guards, and uniforms, or allowances therefor, for other
7 employees as authorized by law (5 U.S.C. 5901–5902);
8 purchase or rental of devices and services for protecting
9 buildings and contents thereof, and maintenance, alter-
10 ation, improvement, and repair of buildings, approaches,
11 and grounds; and purchase of services for restoration and
12 repair of works of art for the National Gallery of Art by
13 contracts made, without advertising, with individuals,
14 firms, or organizations at such rates or prices and under
15 such terms and conditions as the Gallery may deem prop-
16 er, \$97,100,000, of which not to exceed \$3,157,000 for
17 the special exhibition program shall remain available until
18 expended.

19 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

20 For necessary expenses of repair, restoration and
21 renovation of buildings, grounds and facilities owned or
22 occupied by the National Gallery of Art, by contract or
23 otherwise, as authorized, \$16,200,000, to remain available
24 until expended: *Provided*, That contracts awarded for envi-
25 ronmental systems, protection systems, and exterior repair
26 or renovation of buildings of the National Gallery of Art

1 may be negotiated with selected contractors and awarded
2 on the basis of contractor qualifications as well as price:
3 *Provided further*, That, notwithstanding any other provi-
4 sion of law, a single procurement for the Master Facilities
5 Plan renovation project at the National Gallery of Art may
6 be issued which includes the full scope of the Work Area
7 #3 project: *Provided further*, That the solicitation and the
8 contract shall contain the clause “availability of funds”
9 found at 48 CFR 52.232.18.

10 JOHN F. KENNEDY CENTER FOR THE PERFORMING

11 ARTS

12 OPERATIONS AND MAINTENANCE

13 For necessary expenses for the operation, mainte-
14 nance and security of the John F. Kennedy Center for
15 the Performing Arts, \$17,800,000.

16 CONSTRUCTION

17 For necessary expenses for capital repair and restora-
18 tion of the existing features of the building and site of
19 the John F. Kennedy Center for the Performing Arts,
20 \$10,000,000, to remain available until expended.

21 WOODROW WILSON INTERNATIONAL CENTER FOR

22 SCHOLARS

23 SALARIES AND EXPENSES

24 For expenses necessary in carrying out the provisions
25 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.

1 1356) including hire of passenger vehicles and services as
2 authorized by 5 U.S.C. 3109, \$9,085,000.

3 NATIONAL FOUNDATION ON THE ARTS AND THE
4 HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For necessary expenses to carry out the National
8 Foundation on the Arts and the Humanities Act of 1965,
9 as amended, \$121,264,000 shall be available to the Na-
10 tional Endowment for the Arts for the support of projects
11 and productions in the arts through assistance to organi-
12 zations and individuals pursuant to sections 5(c) and 5(g)
13 of the Act, including \$14,922,000 for support of arts edu-
14 cation and public outreach activities through the Chal-
15 lenge America program, for program support, and for ad-
16 ministering the functions of the Act, to remain available
17 until expended: *Provided*, That funds previously appro-
18 priated to the National Endowment for the Arts “Match-
19 ing Grants” account and “Challenge America” account
20 may be transferred to and merged with this account.

21 NATIONAL ENDOWMENT FOR THE HUMANITIES
22 GRANTS AND ADMINISTRATION

23 For necessary expenses to carry out the National
24 Foundation on the Arts and the Humanities Act of 1965,
25 as amended, \$122,605,000, shall be available to the Na-

1 tional Endowment for the Humanities for support of ac-
2 tivities in the humanities, pursuant to section 7(c) of the
3 Act, and for administering the functions of the Act, to
4 remain available until expended.

5 MATCHING GRANTS

6 To carry out the provisions of section 10(a)(2) of the
7 National Foundation on the Arts and the Humanities Act
8 of 1965, as amended, \$15,449,000, to remain available
9 until expended, of which \$10,000,000 shall be available
10 to the National Endowment for the Humanities for the
11 purposes of section 7(h): *Provided*, That this appropria-
12 tion shall be available for obligation only in such amounts
13 as may be equal to the total amounts of gifts, bequests,
14 and devises of money, and other property accepted by the
15 chairman or by grantees of the Endowment under the pro-
16 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
17 the current and preceding fiscal years for which equal
18 amounts have not previously been appropriated.

19 ADMINISTRATIVE PROVISIONS

20 None of the funds appropriated to the National
21 Foundation on the Arts and the Humanities may be used
22 to process any grant or contract documents which do not
23 include the text of 18 U.S.C. 1913: *Provided*, That none
24 of the funds appropriated to the National Foundation on
25 the Arts and the Humanities may be used for official re-
26 ception and representation expenses: *Provided further*,

1 That funds from nonappropriated sources may be used as
2 necessary for official reception and representation ex-
3 penses: *Provided further*, That the Chairperson of the Na-
4 tional Endowment for the Arts may approve grants up to
5 \$10,000, if in the aggregate this amount does not exceed
6 5 percent of the sums appropriated for grant-making pur-
7 poses per year: *Provided further*, That such small grant
8 actions are taken pursuant to the terms of an expressed
9 and direct delegation of authority from the National Coun-
10 cil on the Arts to the Chairperson.

11 COMMISSION OF FINE ARTS

12 SALARIES AND EXPENSES

13 For expenses made necessary by the Act establishing
14 a Commission of Fine Arts (40 U.S.C. 104), \$1,893,000:
15 *Provided*, That the Commission is authorized to charge
16 fees to cover the full costs of its publications, and such
17 fees shall be credited to this account as an offsetting col-
18 lection, to remain available until expended without further
19 appropriation.

20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law
22 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000: *Pro-*
23 *vided*, That no one organization shall receive a grant in
24 excess of \$400,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), \$4,860,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

1 NATIONAL CAPITAL PLANNING COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses, as authorized by the Na-
4 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
5 including services as authorized by 5 U.S.C. 3109,
6 \$8,177,000: *Provided*, That one-quarter of 1 percent of
7 the funds provided under this heading may be used for
8 official reception and representational expenses to host
9 international visitors engaged in the planning and physical
10 development of world capitals.

11 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

12 HOLOCAUST MEMORIAL MUSEAUM

13 For expenses of the Holocaust Memorial Museum, as
14 authorized by Public Law 106–292 (36 U.S.C. 2301–
15 2310), \$41,880,000, of which \$1,874,000 for the muse-
16 um’s repair and rehabilitation program and \$1,246,000
17 for the museum’s exhibitions program shall remain avail-
18 able until expended.

1 PRESIDIO TRUST

2 PRESIDIO TRUST FUND

3 For necessary expenses to carry out title I of the Om-
4 nibus Parks and Public Lands Management Act of 1996,
5 \$20,000,000 shall be available to the Presidio Trust, to
6 remain available until expended.

7 WHITE HOUSE COMMISSION ON THE NATIONAL

8 MOMENT OF REMEMBRANCE

9 For necessary expenses of the White House Commis-
10 sion on the National Moment of Remembrance, \$250,000.

11 TITLE IV—GENERAL PROVISIONS

12 SEC. 401. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
15 to those contracts where such expenditures are a matter
16 of public record and available for public inspection, except
17 where otherwise provided under existing law, or under ex-
18 isting Executive Order issued pursuant to existing law.

19 SEC. 402. No part of any appropriation contained in
20 this Act shall be available for any activity or the publica-
21 tion or distribution of literature that in any way tends to
22 promote public support or opposition to any legislative
23 proposal on which Congressional action is not complete.

1 SEC. 403. No part of any appropriation contained in
2 this Act shall remain available for obligation beyond the
3 current fiscal year unless expressly so provided herein.

4 SEC. 404. None of the funds provided in this Act to
5 any department or agency shall be obligated or expended
6 to provide a personal cook, chauffeur, or other personal
7 servants to any officer or employee of such department
8 or agency except as otherwise provided by law.

9 SEC. 405. No assessments may be levied against any
10 program, budget activity, subactivity, or project funded by
11 this Act unless notice of such assessments and the basis
12 therefor are presented to the Committees on Appropria-
13 tions and are approved by such committees.

14 SEC. 406. None of the funds in this Act may be used
15 to plan, prepare, or offer for sale timber from trees classi-
16 fied as giant sequoia (*Sequoiadendron giganteum*) which
17 are located on National Forest System or Bureau of Land
18 Management lands in a manner different than such sales
19 were conducted in fiscal year 2004.

20 SEC. 407. (a) LIMITATION OF FUNDS.—None of the
21 funds appropriated or otherwise made available pursuant
22 to this Act shall be obligated or expended to accept or
23 process applications for a patent for any mining or mill
24 site claim located under the general mining laws.

1 (b) EXCEPTIONS.—The provisions of subsection (a)
2 shall not apply if the Secretary of the Interior determines
3 that, for the claim concerned: (1) a patent application was
4 filed with the Secretary on or before September 30, 1994;
5 and (2) all requirements established under sections 2325
6 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
7 for vein or lode claims and sections 2329, 2330, 2331,
8 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
9 37) for placer claims, and section 2337 of the Revised
10 Statutes (30 U.S.C. 42) for mill site claims, as the case
11 may be, were fully complied with by the applicant by that
12 date.

13 (c) REPORT.—On September 30, 2006, the Secretary
14 of the Interior shall file with the House and Senate Com-
15 mittees on Appropriations and the Committee on Re-
16 sources of the House of Representatives and the Com-
17 mittee on Energy and Natural Resources of the Senate
18 a report on actions taken by the Department under the
19 plan submitted pursuant to section 314(e) of the Depart-
20 ment of the Interior and Related Agencies Appropriations
21 Act, 1997 (Public Law 104–208).

22 (d) MINERAL EXAMINATIONS.—In order to process
23 patent applications in a timely and responsible manner,
24 upon the request of a patent applicant, the Secretary of
25 the Interior shall allow the applicant to fund a qualified

1 third-party contractor to be selected by the Bureau of
2 Land Management to conduct a mineral examination of
3 the mining claims or mill sites contained in a patent appli-
4 cation as set forth in subsection (b). The Bureau of Land
5 Management shall have the sole responsibility to choose
6 and pay the third-party contractor in accordance with the
7 standard procedures employed by the Bureau of Land
8 Management in the retention of third-party contractors.

9 SEC. 408. Notwithstanding any other provision of
10 law, amounts appropriated to or earmarked in committee
11 reports for the Bureau of Indian Affairs and the Indian
12 Health Service by Public Laws 103-138, 103-332, 104-
13 134, 104-208, 105-83, 105-277, 106-113, 106-291,
14 107-63, 108-7, 108-108, and 108-447 for payments to
15 tribes and tribal organizations for contract support costs
16 associated with self-determination or self-governance con-
17 tracts, grants, compacts, or annual funding agreements
18 with the Bureau of Indian Affairs or the Indian Health
19 Service as funded by such Acts, are the total amounts
20 available for fiscal years 1994 through 2005 for such pur-
21 poses, except that, for the Bureau of Indian Affairs, tribes
22 and tribal organizations may use their tribal priority allo-
23 cations for unmet contract support costs of ongoing con-
24 tracts, grants, self-governance compacts or annual funding
25 agreements.

1 SEC. 409. Of the funds provided to the National En-
2 dowment for the Arts:

3 (1) The Chairperson shall only award a grant
4 to an individual if such grant is awarded to such in-
5 dividual for a literature fellowship, National Herit-
6 age Fellowship, or American Jazz Masters Fellow-
7 ship.

8 (2) The Chairperson shall establish procedures
9 to ensure that no funding provided through a grant,
10 except a grant made to a State or local arts agency,
11 or regional group, may be used to make a grant to
12 any other organization or individual to conduct ac-
13 tivity independent of the direct grant recipient.
14 Nothing in this subsection shall prohibit payments
15 made in exchange for goods and services.

16 (3) No grant shall be used for seasonal support
17 to a group, unless the application is specific to the
18 contents of the season, including identified programs
19 and/or projects.

20 SEC. 410. The National Endowment for the Arts and
21 the National Endowment for the Humanities are author-
22 ized to solicit, accept, receive, and invest in the name of
23 the United States, gifts, bequests, or devises of money and
24 other property or services and to use such in furtherance
25 of the functions of the National Endowment for the Arts

1 and the National Endowment for the Humanities. Any
2 proceeds from such gifts, bequests, or devises, after ac-
3 ceptance by the National Endowment for the Arts or the
4 National Endowment for the Humanities, shall be paid by
5 the donor or the representative of the donor to the Chair-
6 man. The Chairman shall enter the proceeds in a special
7 interest-bearing account to the credit of the appropriate
8 endowment for the purposes specified in each case.

9 SEC. 411. (a) In providing services or awarding fi-
10 nancial assistance under the National Foundation on the
11 Arts and the Humanities Act of 1965 from funds appro-
12 priated under this Act, the Chairperson of the National
13 Endowment for the Arts shall ensure that priority is given
14 to providing services or awarding financial assistance for
15 projects, productions, workshops, or programs that serve
16 underserved populations.

17 (b) In this section:

18 (1) The term “underserved population” means
19 a population of individuals, including urban minori-
20 ties, who have historically been outside the purview
21 of arts and humanities programs due to factors such
22 as a high incidence of income below the poverty line
23 or to geographic isolation.

24 (2) The term “poverty line” means the poverty
25 line (as defined by the Office of Management and

1 Budget, and revised annually in accordance with sec-
2 tion 673(2) of the Community Services Block Grant
3 Act (42 U.S.C. 9902(2)) applicable to a family of
4 the size involved.

5 (c) In providing services and awarding financial as-
6 sistance under the National Foundation on the Arts and
7 Humanities Act of 1965 with funds appropriated by this
8 Act, the Chairperson of the National Endowment for the
9 Arts shall ensure that priority is given to providing serv-
10 ices or awarding financial assistance for projects, produc-
11 tions, workshops, or programs that will encourage public
12 knowledge, education, understanding, and appreciation of
13 the arts.

14 (d) With funds appropriated by this Act to carry out
15 section 5 of the National Foundation on the Arts and Hu-
16 manities Act of 1965—

17 (1) the Chairperson shall establish a grant cat-
18 egory for projects, productions, workshops, or pro-
19 grams that are of national impact or availability or
20 are able to tour several States;

21 (2) the Chairperson shall not make grants ex-
22 ceeding 15 percent, in the aggregate, of such funds
23 to any single State, excluding grants made under the
24 authority of paragraph (1);

1 (3) the Chairperson shall report to the Con-
2 gress annually and by State, on grants awarded by
3 the Chairperson in each grant category under sec-
4 tion 5 of such Act; and

5 (4) the Chairperson shall encourage the use of
6 grants to improve and support community-based
7 music performance and education.

8 SEC. 412. No part of any appropriation contained in
9 this Act shall be expended or obligated to complete and
10 issue the 5-year program under the Forest and Rangeland
11 Renewable Resources Planning Act.

12 SEC. 413. None of the funds in this Act may be used
13 to support Government-wide administrative functions un-
14 less such functions are justified in the budget process and
15 funding is approved by the House and Senate Committees
16 on Appropriations.

17 SEC. 414. Amounts deposited during fiscal year 2005
18 in the roads and trails fund provided for in the 14th para-
19 graph under the heading "FOREST SERVICE" of the
20 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
21 be used by the Secretary of Agriculture, without regard
22 to the State in which the amounts were derived, to repair
23 or reconstruct roads, bridges, and trails on National For-
24 est System lands or to carry out and administer projects
25 to improve forest health conditions, which may include the

1 repair or reconstruction of roads, bridges, and trails on
2 National Forest System lands in the wildland-community
3 interface where there is an abnormally high risk of fire.
4 The projects shall emphasize reducing risks to human
5 safety and public health and property and enhancing eco-
6 logical functions, long-term forest productivity, and bio-
7 logical integrity. The projects may be completed in a sub-
8 sequent fiscal year. Funds shall not be expended under
9 this section to replace funds which would otherwise appro-
10 priately be expended from the timber salvage sale fund.
11 Nothing in this section shall be construed to exempt any
12 project from any environmental law.

13 SEC. 415. Other than in emergency situations, none
14 of the funds in this Act may be used to operate telephone
15 answering machines during core business hours unless
16 such answering machines include an option that enables
17 callers to reach promptly an individual on-duty with the
18 agency being contacted.

19 SEC. 416. Prior to October 1, 2006, the Secretary
20 of Agriculture shall not be considered to be in violation
21 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
22 Renewable Resources Planning Act of 1974 (16 U.S.C.
23 1604(f)(5)(A)) solely because more than 15 years have
24 passed without revision of the plan for a unit of the Na-
25 tional Forest System. Nothing in this section exempts the

1 Secretary from any other requirement of the Forest and
2 Rangeland Renewable Resources Planning Act (16 U.S.C.
3 1600 et seq.) or any other law: *Provided*, That if the Sec-
4 retary is not acting expeditiously and in good faith, within
5 the funding available, to revise a plan for a unit of the
6 National Forest System, this section shall be void with re-
7 spect to such plan and a court of proper jurisdiction may
8 order completion of the plan on an accelerated basis.

9 SEC. 417. No funds provided in this Act may be ex-
10 pended to conduct preleasing, leasing and related activities
11 under either the Mineral Leasing Act (30 U.S.C. 181 et
12 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
13 1331 et seq.) within the boundaries of a National Monu-
14 ment established pursuant to the Act of June 8, 1906 (16
15 U.S.C. 431 et seq.) as such boundary existed on January
16 20, 2001, except where such activities are allowed under
17 the Presidential proclamation establishing such monu-
18 ment.

19 SEC. 418. EXTENSION OF FOREST SERVICE CONVEY-
20 ANCES PILOT PROGRAM.—Section 329 of the Department
21 of the Interior and Related Agencies Appropriations Act,
22 2002 (16 U.S.C. 580d note; Public Law 107–63) is
23 amended—

24 (1) in subsection (b), by striking “40” and in-
25 serting “60”;

1 (2) in subsection (c) by striking “13” and in-
2 serting “25”; and

3 (3) in subsection (d), by striking “2008” and
4 inserting “2009”.

5 SEC. 419. In entering into agreements with foreign
6 countries pursuant to the Wildfire Suppression Assistance
7 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
8 the Secretary of the Interior are authorized to enter into
9 reciprocal agreements in which the individuals furnished
10 under said agreements to provide wildfire services are con-
11 sidered, for purposes of tort liability, employees of the
12 country receiving said services when the individuals are
13 engaged in fire suppression: *Provided*, That the Secretary
14 of Agriculture or the Secretary of the Interior shall not
15 enter into any agreement under this provision unless the
16 foreign country (either directly or through its fire organi-
17 zation) agrees to assume any and all liability for the acts
18 or omissions of American firefighters engaged in fire-
19 fighting in a foreign country: *Provided further*, That when
20 an agreement is reached for furnishing fire fighting serv-
21 ices, the only remedies for acts or omissions committed
22 while fighting fires shall be those provided under the laws
23 of the host country, and those remedies shall be the exclu-
24 sive remedies for any claim arising out of fighting fires
25 in a foreign country: *Provided further*, That neither the

1 sending country nor any legal organization associated with
2 the firefighter shall be subject to any legal action whatso-
3 ever pertaining to or arising out of the firefighter's role
4 in fire suppression.

5 SEC. 420. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 421. In awarding a Federal contract with funds
11 made available by this Act, notwithstanding Federal gov-
12 ernment procurement and contracting laws, the Secretary
13 of Agriculture and the Secretary of the Interior (the "Sec-
14 retaries") may, in evaluating bids and proposals, give con-
15 sideration to local contractors who are from, and who pro-
16 vide employment and training for, dislocated and displaced
17 workers in an economically disadvantaged rural commu-
18 nity, including those historically timber-dependent areas
19 that have been affected by reduced timber harvesting on
20 Federal lands and other forest-dependent rural commu-
21 nities isolated from significant alternative employment op-
22 portunities: *Provided*, That notwithstanding Federal Gov-
23 ernment procurement and contracting laws the Secretaries
24 may award contracts, grants or cooperative agreements to
25 local non-profit entities, Youth Conservation Corps or re-

1 lated partnerships with State, local or non-profit youth
2 groups, or small or disadvantaged business or micro-busi-
3 ness: *Provided further*, That the contract, grant, or cooper-
4 ative agreement is for forest hazardous fuels reduction,
5 watershed or water quality monitoring or restoration, wild-
6 life or fish population monitoring, or habitat restoration
7 or management: *Provided further*, That the terms “rural
8 community” and “economically disadvantaged” shall have
9 the same meanings as in section 2374 of Public Law 101–
10 624: *Provided further*, That the Secretaries shall develop
11 guidance to implement this section: *Provided further*, That
12 nothing in this section shall be construed as relieving the
13 Secretaries of any duty under applicable procurement
14 laws, except as provided in this section.

15 SEC. 422. No funds appropriated in this Act for the
16 acquisition of lands or interests in lands may be expended
17 for the filing of declarations of taking or complaints in
18 condemnation without the approval of the House and Sen-
19 ate Committees on Appropriations: *Provided*, That this
20 provision shall not apply to funds appropriated to imple-
21 ment the Everglades National Park Protection and Ex-
22 pansion Act of 1989, or to funds appropriated for Federal
23 assistance to the State of Florida to acquire lands for Ev-
24 erglades restoration purposes.

1 SEC. 423. (a) LIMITATION ON COMPETITIVE
2 SOURCING STUDIES.—

3 (1) Of the funds made available by this or any
4 other Act to the Department of the Interior for fis-
5 cal year 2006, not more than \$3,450,000 may be
6 used by the Secretary of the Interior to initiate or
7 continue competitive sourcing studies in fiscal year
8 2006 for programs, projects, and activities for which
9 funds are appropriated by this Act and such funds
10 shall not be available until the Secretary submits a
11 reprogramming proposal to the Committees on Ap-
12 propriations of the Senate and the House of Rep-
13 resentatives, and such proposal has been processed
14 consistent with the reprogramming guidelines in
15 House Report 108–330.

16 (2) Of the funds appropriated by this Act, not
17 more than \$2,500,000 may be used in fiscal year
18 2006 for competitive sourcing studies and related
19 activities by the Forest Service.

20 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
21 this section, the term “competitive sourcing study” means
22 a study on subjecting work performed by Federal Govern-
23 ment employees or private contractors to public-private
24 competition or on converting the Federal Government em-
25 ployees or the work performed by such employees to pri-

1 vate contractor performance under the Office of Manage-
2 ment and Budget Circular A-76 or any other administra-
3 tive regulation, directive, or policy.

4 (c) COMPETITIVE SOURCING EXEMPTION FOR FOR-
5 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
6 YEAR 2006.—Notwithstanding requirements of Office of
7 Management and Budget Circular A-76, Attachment B,
8 the Forest Service is hereby exempted from implementing
9 the Letter of Obligation and post-competition account-
10 ability guidelines where a competitive sourcing study in-
11 volved 65 or fewer full-time equivalents, the performance
12 decision was made in favor of the agency provider; no net
13 savings was achieved by conducting the study, and the
14 study was completed prior to the date of this Act.

15 (d) In preparing any reports to the Committees on
16 Appropriations on competitive sourcing activities, agencies
17 funded in this Act shall include the incremental cost di-
18 rectly attributable to conducting the competitive sourcing
19 competitions, including costs attributable to paying out-
20 side consultants and contractors and, in accordance with
21 full cost accounting principles, all costs attributable to de-
22 veloping, implementing, supporting, managing, moni-
23 toring, and reporting on competitive sourcing, including
24 personnel, consultant, travel, and training costs associated
25 with program management.

1 SEC. 424. Estimated overhead charges, deductions,
2 reserves or holdbacks from programs, projects and activi-
3 ties to support governmentwide, departmental, agency or
4 bureau administrative functions or headquarters, regional
5 or central office operations shall be presented in annual
6 budget justifications. Changes to such estimates shall be
7 presented to the Committees on Appropriations for ap-
8 proval.

9 SEC. 425. None of the funds in this Act or prior Acts
10 making appropriations for the Department of the Interior
11 and Related Agencies may be provided to the managing
12 partners or their agents for the SAFECOM or Disaster
13 Management projects.

14 SEC. 426. (a) IN GENERAL.—An entity that enters
15 into a contract with the United States to operate the Na-
16 tional Recreation Reservation Service (as solicited by the
17 solicitation numbered WO–04–06vm) shall not carry out
18 any duties under the contract using:

19 (1) a contact center located outside the United
20 States; or

21 (2) a reservation agent who does not live in the
22 United States.

23 (b) NO WAIVER.—The Secretary of Agriculture may
24 not waive the requirements of subsection (a).

1 (c) TELECOMMUTING.—A reservation agent who is
2 carrying out duties under the contract described in sub-
3 section (a) may not telecommute from a location outside
4 the United States.

5 (d) LIMITATIONS.—Nothing in this Act shall be con-
6 strued to apply to any employee of the entity who is not
7 a reservation agent carrying out the duties under the con-
8 tract described in subsection (a) or who provides manage-
9 rial or support services.

10 SEC. 427. Section 331, of Public Law 106–113, is
11 amended—

12 (1) in part (a) by striking “2005” and inserting
13 “2009”; and

14 (2) in part (b) by striking “2005” and inserting
15 “2009”.

16 SEC. 428. Section 330 of the Department of the Inte-
17 rior and Related Agencies Appropriations Act, 2001 (Pub-
18 lic Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note),
19 is amended—

20 (1) in the first sentence, by striking “2005”
21 and inserting “2008”;

22 (2) in the third sentence, by inserting “, Na-
23 tional Park Service, Fish and Wildlife Service,”
24 after “Bureau of Land Management”; and

1 (3) by adding at the end the following new sen-
2 tence: “To facilitate the sharing of resources under
3 the Service First initiative, the Secretaries of the In-
4 terior and Agriculture may make transfers of funds
5 and reimbursement of funds on an annual basis
6 among the land management agencies referred to in
7 this section, except that this authority may not be
8 used to circumvent requirements and limitations im-
9 posed on the use of funds.”.

10 SEC. 429. The Secretary of Agriculture may acquire,
11 by exchange or otherwise, a parcel of real property, includ-
12 ing improvements thereon, of the Inland Valley Develop-
13 ment Agency of San Bernardino, California, or its succes-
14 sors and assigns, generally comprising Building No. 3 and
15 Building No. 4 of the former Defense Finance and Ac-
16 counting Services complex located at the southwest corner
17 of Tippecanoe Avenue and Mill Street in San Bernardino,
18 California, adjacent to the former Norton Air Force Base.
19 As full consideration for the property to be acquired, the
20 Secretary of Agriculture may terminate the leasehold
21 rights of the United States received pursuant to section
22 8121(a)(2) of the Department of Defense Appropriations
23 Act, 2005 (Public Law 108–287; 118 Stat. 999). The ac-
24 quisition of the property shall be on such terms and condi-
25 tions as the Secretary of Agriculture considers appropriate

1 and may be carried out without appraisals, environmental
2 or administrative surveys, consultations, analyses, or other
3 considerations of the condition of the property.

4 SEC. 430. The Secretary of the Interior shall submit
5 to the House Committee on Appropriations a report detail-
6 ing the Federal expenditures pursuant to the Southern
7 Nevada Public Lands Management Act (section 4(e)(3) of
8 Public Law 105–263) for fiscal years 2003 and 2004.

9 SEC. 431. None of the funds in this Act may be used
10 to prepare or issue a permit or lease for oil or gas drilling
11 in the Finger Lakes National Forest, New York, during
12 fiscal year 2006.

13 This Act may be cited as the “Department of the In-
14 terior, Environment, and Related Agencies Appropriations
15 Act, 2006”.

Union Calendar No. 39

109TH CONGRESS
1ST Session

H. R. 2361

[Report No. 109-80]

A BILL

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

MAY 13, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed